

NOT VOTING—45.

Bankhead	Gore	Oliver	Stephenson
Burleigh	Hitchcock	Owen	Stone
Burton	Hollis	Penrose	Sutherland
Camden	Kenyon	Reed	Tillman
Cañon	La Follette	Robinson	Townsend
Chilton	Lea, Tenn.	Root	Warren
Clark, Wyo.	Lippitt	Sherman	Weeks
Crawford	Lodge	Shields	West
Dillingham	McLean	Smith, Ariz.	Works
du Pont	Martin, Va.	Smith, Md.	
Fletcher	Myers	Smith, Mich.	
Goff	Norris	Smith, S. C.	

So Mr. CUMMINS's amendment was agreed to.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. GALLINGER. Mr. President, before the final vote is taken, I was requested by the junior Senator from Massachusetts [Mr. WEEKS] to state that if the bill had been in its original form he would have voted for it, but he would have voted against it amended by the Jones amendment.

I was also requested to state that the senior Senator from Massachusetts [Mr. LODGE] would have voted against the amendments and would have also voted against the bill.

The junior Senator from Maine [Mr. BURLEIGH] would have voted against the amendments, but I am not informed whether he would have voted against the bill in its present form.

The bill was passed.

RECESS.

Mr. KERN. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 7 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, August 12, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, August 11, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, enter Thou into our souls with all Thy quickening power and bring us closer to Thee and to one another. "Behold how good and how pleasant it is for brethren to dwell together in unity! It is like the precious ointment upon the head that ran down upon the beard, even Aaron's beard, that went down to the skirts of his garments; as the dew of Hermon, and as the dew that descended upon the mountains of Zion; for there the Lord commanded the blessing, even life forever more." The heart of the Nation pouring itself out in sympathy and prayer for the great sorrow of our President and his family typifies the higher, nobler in our being; the horrors of war enacted in scenes of carnage illustrates how easy it is to forget Thee and the nobler within us. Hasten the day, we beseech Thee, when all men can unite from their heart of hearts and say, "Our Father which art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done in earth as it is in heaven." Amen.

The Journal of the proceedings of Saturday, August 8, 1914, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1693. An act to provide for the purchase of a site and the erection of a public building thereon at Claremont, in the State of New Hampshire.

The message also announced that the Senate had passed with amendments the bill (H. R. 1657) providing for second homestead and desert-land service, in which the concurrence of the House of Representatives was requested.

The message also announced that the President had, on August 8, 1914, approved and signed the following bill:

S. 23. An act for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13, and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5313. An act to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same; and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following House joint resolution:

H. J. Res. 288. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1693. An act to provide for the purchase of a site and the erection of a public building thereon at Claremont, in the State of New Hampshire; to the Committee on Public Buildings and Grounds.

CLAIMS ARISING UNDER THE NAVY DEPARTMENT.

Mr. POU. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 14685) to satisfy certain claims against the Government arising under the Navy Department, with a Senate amendment thereto, and to concur in the Senate amendment.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table the bill (H. R. 14685) in reference to claims arising under the Navy Department, with a Senate amendment thereto, and concur in the Senate amendment. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. POU. Mr. Speaker, I would like to say to the gentleman from Illinois that the Senate added just one amendment, and I desire to have that concurred in.

Mr. MANN. Mr. Speaker, I would like to see the amendment in print before I agree to that. Let the bill remain on the Speaker's table and have it printed with the Senate amendment.

The SPEAKER. Is there objection to the bill remaining on the Speaker's table and having the bill printed with the Senate amendment?

There was no objection.

FREDERICK J. ERNST.

Mr. POU. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4405) for the relief of Frederick J. Ernst, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table the bill (H. R. 4405) for the relief of Frederick J. Ernst, with a Senate amendment thereto, disagree to the Senate amendment and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. Pou, Mr. Mott, and Mr. STEPHENS of Mississippi.

LOGAN DAY.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an address delivered by my colleague [Mr. HILL] at Murphysboro, Ill., on Logan Day.

The SPEAKER. The gentleman from Illinois asks unanimous consent to have printed in the RECORD an address delivered by the gentleman from Illinois [Mr. HILL] at Murphysboro, Ill., on Logan Day. Is there objection?

There was no objection.

POSTAL AND CIVIL-SERVICE LAWS.

The SPEAKER. The unfinished business is the bill (H. R. 17042) to amend the postal and civil-service laws, and for other purposes, and the vote will be first taken on the Cullop amendment.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 81, nays 162, answered "present" 6, not voting 183, as follows:

YEAS—81.

Abercrombie	Cox	Hensley	Rucker
Adair	Cullop	Hill	Russell
Adamson	Dent	Holland	Shackelford
Alken	Difenderfer	Houston	Sisson
Baltz	Dixon	Hull	Stanley
Barkley	Eagle	Jacoway	Stedman
Barnhart	Edwards	Johnson, Ky.	Summers
Blackmon	Ferris	Jones	Taylor, Ark.
Boeber	Finley	Kitchin	Thomas
Brodbeck	Floyd, Ark.	Lever	Tribble
Buchanan, Tex.	Foster	Lieb	Underwood
Burgess	Fowler	McKellar	Watson
Burnett	Garner	Moon	Webb
Byrnes, S. C.	Garrett, Tenn.	Mulkey	Williams
Candler, Miss.	Garrett, Tex.	O'Hair	Wilson, Fla.
Cantrill	Goodwin, Ark.	Oldfield	Wingo
Caraway	Gray	Page, N. C.	Witherspoon
Carter	Gregg	Post	Young, Tex.
Claypool	Harris	Pou	
Cline	Hay	Quin	
Collier	Helm	Rubey	

NAYS—162.

Anderson	Fitzgerald	Lee, Pa.	Rouse
Avis	FitzHenry	Levy	Rupley
Bailey	French	Lewis, Md.	Scott
Baker	Gallagher	Linthicum	Scully
Barton	Gallivan	Lloyd	Seldomridge
Beakes	Gerry	Lobeck	Sells
Bell, Cal.	Gill	Logue	Sims
Borchers	Gilmore	Loneragan	Sinnott
Bowdle	Glass	McCoy	Slayden
Britten	Good	McGuire, Okla.	Sloan
Brockson	Gorman	McLaughlin	Small
Brown, W. Va.	Greene, Mass.	MacDonald	Smith, Idaho
Brumbaugh	Greene, Vt.	Maguire, Nebr.	Smith, J. M. C.
Bryan	Hamill	Mann	Smith, Minn.
Burke, S. Dak.	Hamilton, N. Y.	Mapes	Smith, Saml. W.
Burke, Wis.	Hamlin	Miller	Smith, Tex.
Butler	Hammond	Mitchell	Sparkman
Campbell	Hardy	Mondell	Stafford
Cary	Hart	Moore	Stephens, Cal.
Coady	Haugen	Morgan, Okla.	Stevens, Minn.
Connelly, Kans.	Hayden	Morrison	Stone
Connolly, Iowa	Helgesen	Moss, Ind.	Stout
Conry	Helvering	Moss, W. Va.	Sutherland
Cooper	Howard	Murdock	Taggart
Curry	Howell	Murray, Mass.	Talbott, Md.
Danforth	Hulings	Neely, W. Va.	Talcott, N. Y.
Davis	Humphrey, Wash.	Nolan, J. I.	Tavener
Deltrick	Igoe	Norton	Taylor, Colo.
Dillon	Johnson, Utah	Oglesby	Temple
Donohoe	Johnson, Wash.	O'Shaunessy	Ten Eyck
Donovan	Kahn	Patten, N. Y.	Thomson, Ill.
Doolittle	Keating	Payne	Townner
Drukker	Kelster	Plumley	Townsend
Dunn	Kelly, Pa.	Prouty	Tuttle
Eagan	Kennedy, Iowa	Raker	Volstead
Edmonds	Kettner	Rayburn	Walsh
Esch	Kindel	Reilly, Conn.	Wilson, N. Y.
Evans	Kinkaid, Nebr.	Reilly, Wis.	Woods
Falconer	Kinkead, N. J.	Roberts, Mass.	Young, N. Dak.
Farr	Kirkpatrick	Roberts, Nev.	
Fergusson	La Follette	Rogers	

ANSWERED "PRESENT"—6.

Bartholdt	Harrison	Rothermel	Taylor, Ala.
Guernsey	Park		

NOT VOTING—183.

Ainey	Dale	Hawley	Mahan
Alexander	Davenport	Hayes	Maher
Allen	Decker	Hedin	Manahan
Ansberry	Dershem	Henry	Martin
Anthony	Dickinson	Hinds	Merritt
Ashbrook	Dies	Hinebaugh	Metz
Aswell	Dooling	Hobson	Montague
Anstin	Doremus	Hoxworth	Morgan, La.
Barchfeld	Doughton	Hughes, Ga.	Morin
Bartlett	Driscoll	Hughes, W. Va.	Mott
Bathrick	Dupré	Humphreys, Miss.	Murray, Okla.
Beall, Tex.	Elder	Johnson, S. C.	Neeley, Kans.
Bell, Ga.	Estopinal	Kelley, Mich.	Nelson
Borland	Fairchild	Kennedy, Conn.	O'Brien
Broussard	Faison	Kennedy, R. I.	O'Leary
Brown, N. Y.	Fess	Kent	Padgett
Browne, Wis.	Fields	Key, Ohio	Paige, Mass.
Browning	Flood, Va.	Kiess, Pa.	Palmer
Bruckner	Forduey	Knowland, J. R.	Parker
Buchanan, Ill.	Francis	Konop	Patton, Pa.
Bulkley	Frear	Korby	Peters, Mass.
Burke, Pa.	Gard	Kreider	Peters, Me.
Byrns, Tenn.	Gardner	Lafferty	Peterson
Calder	George	Langham	Phelan
Callaway	Gillett	Langley	Platt
Cantor	Glittins	Lazaro	Porter
Carew	Goodwin, N. C.	Lee, Ga.	Powers
Carlin	Goeke	L'Engle	Rausdale
Carr	Goldfogle	Lenroot	Raney
Casey	Gordon	Lesber	Rauch
Chandler, N. Y.	Goulden	Lewis, Pa.	Reed
Church	Graham, Ill.	Lindbergh	Riordan
Clancy	Graham, Pa.	Lindquist	Sabath
Clark, Fla.	Green, Iowa	Loft	Saunders
Copley	Griest	McAndrews	Sherley
Covington	Griffin	McClellan	Sherwood
Cramton	Gudger	McGillicuddy	Shreve
Crisp	Hamilton, Mich.	McKenzie	Siemp
Crosser	Hardwick	Madden	Smith, Md.

Smith, N. Y.	Switzer	Vaughan	Whaley
Steenerson	Taylor, N. Y.	Vollmer	Whitacre
Stephens, Miss.	Thacher	Walker	White
Stephens, Nebr.	Thompson, Okla.	Wallin	Willis
Stephens, Tex.	Treadway	Walters	Winslow
Stevens, N. H.	Underhill	Watkins	Woodruff
Stringer	Vare	Weaver	

So the amendment of Mr. CULLOP was rejected.

The Clerk announced the following pairs:

For the session:

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. METZ with Mr. WALLIN.

Until further notice:

Mr. CLANCY with Mr. SHREVE.

Mr. CALLAWAY with Mr. WILLIS.

Mr. HUGHES of Georgia with Mr. MERRITT.

Mr. BARTLETT with Mr. GRIEST.

Mr. SAUNDERS with Mr. ANTHONY.

Mr. BULKLEY with Mr. FESS.

Mr. SHERWOOD with Mr. MOTT.

Mr. STEPHENS of Texas with Mr. BARTHOLDT.

Mr. ESTOPINAL with Mr. FREAR.

Mr. BELL of Georgia with Mr. CALDER.

Mr. MORGAN of Louisiana with Mr. LINDQUIST.

Mr. DALE with Mr. MARTIN.

Mr. ASHBROOK with Mr. AUSTIN.

Mr. LAZARO with Mr. PARKER.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. FIELDS with Mr. LANGLEY.

Mr. BYRNS of Tennessee with Mr. BARCHFELD.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. UNDERHILL with Mr. STEENERSON.

Mr. FLOOD of Virginia with Mr. FAIRCHILD.

Mr. FRANCIS with Mr. CHANDLER of New York.

Mr. GUERNSEY with Mr. MCGILLICUDDY.

Mr. SABATH with Mr. SWITZER.

Mr. RIORDAN with Mr. POWERS.

Mr. GOLDFOGLE with Mr. HINEBAUGH.

Mr. PETERSON with Mr. PETERS of Maine.

Mr. MONTAGUE with Mr. HINDS.

Mr. PARK with Mr. NELSON.

Mr. BATHRICK with Mr. BROWNE of Wisconsin.

Mr. DICKINSON with Mr. GRAHAM of Pennsylvania.

Mr. DOUGHTON with Mr. HAMILTON of Michigan.

Mr. GRAHAM of Illinois with Mr. KELLEY of Michigan.

Mr. ELDER with Mr. WINSLOW.

Mr. ASWELL with Mr. AINEY.

Mr. ALLEN with Mr. BURKE of Pennsylvania.

Mr. BUCHANAN of Illinois with Mr. COPLEY.

Mr. CLARK of Florida with Mr. FORDNEY.

Mr. DUPRE with Mr. GILLET.

Mr. DECKER with Mr. GREEN of Iowa.

Mr. GRIFFIN with Mr. LAFFERTY.

Mr. HENRY with Mr. LANGHAM.

Mr. JOHNSON of South Carolina with Mr. HAWLEY.

Mr. KONOP with Mr. HAYES.

Mr. LEE of Georgia with Mr. MADDEN.

Mr. RAINEY with Mr. MANAHAN.

Mr. ALEXANDER with Mr. PAIGE of Massachusetts.

Mr. STEPHENS of Mississippi with Mr. TREADWAY.

Mr. STEVENS of New Hampshire with Mr. WALTERS.

Mr. WHALEY with Mr. WOODRUFF.

Mr. GOEKE with Mr. KIESS of Pennsylvania.

Mr. HEFLIN with Mr. LINDEBERGH.

Mr. PADGETT with Mr. MORIN.

Mr. PALMER with Mr. PATTON of Pennsylvania.

Mr. PHELAN with Mr. MCKENZIE.

Mr. SHERLEY with Mr. PORTER.

Mr. REED with Mr. PLATT.

Mr. WALKER with Mr. VARE.

Mr. WATKINS with Mr. BROWNING.

Mr. DAVENPORT with Mr. KENNEDY of Rhode Island.

Mr. O'LEARY with Mr. SLEMP.

On this vote:

Mr. HARRISON (for the Cullop amendment) with Mr. DOREMUS (against the Cullop amendment).

Mr. GUERNSEY. Mr. Speaker, I find that I am paired with my colleague, Mr. MCGILLICUDDY. I answered "no" and would like to withdraw my vote and answer "present."

Mr. BARTHOLDT. Mr. Speaker, did the gentleman from Texas, Mr. STEPHENS, vote?

The SPEAKER. He did not; he is not here.

Mr. BARTHOLDT. In that case I desire to withdraw my vote. I voted "no," but I wish to be recorded as "present."

Mr. SHERWOOD. Mr. Speaker, I desire to be recorded as present.

The SPEAKER. Was the gentleman in the Hall of the House when his name should have been called?

Mr. SHERWOOD. I was not in the Hall when my name was called. I have just come in.

The SPEAKER. The gentleman can not vote.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. SAMUEL W. SMITH. Mr. Speaker, I move to recommit the bill with instructions which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan moves to recommit the bill with instructions which the Clerk will report.

The Clerk read as follows:

Mr. SAMUEL W. SMITH moves to recommit the bill H. R. 17042 to the Committee on the Post Office and Post Roads, with instructions to report the same back forthwith with the following amendment:

Strike out, after the word "General," on page 4, line 5, the following language, to wit:

"And it shall be the duty of the Postmaster General to require all applicants for assistant postmasters in first and second class post offices, including those now in office who were carried into the service by Executive orders heretofore made, to take a competitive civil-service examination within 90 days, or as soon thereafter as practicable after the passage of this act, under the civil-service law, rules, and regulations, and the Postmaster General shall, under such law, rules, and regulations, appoint all assistant postmasters and all laws, rules, and regulations in conflict with this act are hereby repealed."

Mr. LEVY. Mr. Speaker, I desire to offer an amendment.

Mr. MOON. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from Tennessee moves the previous question on the motion to recommit.

Mr. LEVY. Will the gentleman withhold that motion one moment? I have a motion to strike out the enacting clause.

Mr. MOON. I do not want the enacting clause stricken out.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. MURDOCK. Division, Mr. Speaker.

The House divided; and there were—ayes 163, noes 15.

Accordingly the previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. SAMUEL W. SMITH. On that question, Mr. Speaker, I demand the yeas and nays.

Mr. LEVY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVY. Can I move to strike out the enacting clause?

The SPEAKER. The gentleman can not, after the previous question is ordered.

Mr. MURDOCK. The gentleman from New York himself voted for the previous question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 131, answered "present" 5, not voting 184, as follows:

YEAS—112.

Anderson	Farr	La Follette	Rogers
Avis	Fitzgerald	Lewis, Md.	Rupley
Barton	French	Linthicum	Scott
Bell, Cal.	Gallagher	Logue	Scully
Bowdle	Gilmore	McCoy	Seldomridge
Britten	Glittins	McGuire, Okla.	Sells
Bryan	Good	McLaughlin	Sinnott
Burke, S. Dak.	Greene, Mass.	MacDonald	Sloan
Butler	Greene, Vt.	Mann	Smith, J. M. C.
Campbell	Hamill	Mapes	Smith, Minn.
Cary	Hamilton, N. Y.	Miller	Smith, Saml. W.
Coady	Hammond	Mondell	Stafford
Connolly, Iowa	Hart	Moore	Stephens, Cal.
Conry	Helgesen	Morgan, Okla.	Stevens, Minn.
Cooper	Howell	Moss, W. Va.	Sutherland
Covington	Hulings	Murdock	Taggart
Curry	Humphrey, Wash.	Murray, Mass.	Talcott, N. Y.
Danforth	Johnson, Utah	Nolan, J. I.	Taylor, Colo.
Davis	Johnson, Wash.	Norton	Temple
Dillon	Kahn	Oglesby	Thomson, Ill.
Donohoe	Keating	O'Shaunessy	Towner
Drukker	Keister	Patten, N. Y.	Townsend
Dunn	Kelly, Pa.	Payne	Tuttle
Eagan	Kennedy, Iowa	Plumley	Volstead
Edmonds	Kettner	Prouty	Walsh
Esch	Kindel	Raker	Wilson, N. Y.
Evans	Kinkaid, Nebr.	Roberts, Mass.	Woods
Falconer	Kinkaid, N. J.	Roberts, Nev.	Young, N. Dak.

NAYS—131.

Abercrombie	Barnhart	Buchanan, Tex.	Claypool
Adair	Beakes	Burgess	Cline
Adamson	Blackmon	Burke, Wis.	Collier
Alken	Booher	Burnett	Cox
Alexander	Borchers	Byrnes, S. C.	Cullop
Bailey	Brockson	Candler, Miss.	Deltrick
Baker	Brodbeck	Cantrill	Dent
Baltz	Brown, W. Va.	Caraway	Difenderfer
Barkley	Brumbaugh	Carter	Dixon

Donovan	Harrison	Loneragan	Stms
Doolittle	Hay	McKellar	Sisson
Eagle	Hayden	Mazuire, Nebr.	Slayden
Edwards	Helm	Mitchell	Smith, Tex.
Ferguson	Helvering	Moon	Sparkman
Ferris	Hensley	Morrison	Stanley
Finley	Hill	Moss, Ind.	Stedman
FitzHenry	Holland	Mulkey	Stone
Floyd, Ark.	Houston	Neely, W. Va.	Stout
Foster	Howard	O'Hair	Summers
Fowler	Hull	Oldfield	Talbott, Md.
Gallivan	Humphreys, Miss.	Page, N. C.	Tavener
Garner	Igoe	Park	Taylor, Ark.
Garrett, Tenn.	Jacoway	Post	Thomas
Garrett, Tex.	Johnson, Ky.	Pou	Tribble
Gerry	Jones	Quin	Underwood
Gill	Key, Ohio	Rayburn	Watson
Glass	Kirkpatrick	Reilly, Conn.	Webb
Goodwin, Ark.	Kitchin	Reilly, Wis.	Williams
Gray	Lee, Pa.	Rouse	Wilson, Fla.
Gregg	Lever	Rubey	Wingo
Hamlin	Lieb	Rucker	Witherspoon
Hardy	Lloyd	Russell	Young, Tex.
Harris	Lobeck	Shackleford	

ANSWERED "PRESENT"—5.

Levy	Rothermel	Taylor, Ala.
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NOT VOTING—184.

Ainey	Doughton	Kent	Phelan
Allen	Driscoll	Kless, Pa.	Platt
Ansberry	Dupré	Knowland, J. R.	Porter
Anthony	Elder	Konop	Powers
Ashbrook	Estopinal	Korbly	Ragsdale
Aswell	Fairchild	Kreider	Rainey
Austin	Faison	Lafferty	Rauch
Barchfeld	Fess	Langham	Reed
Bartlett	Fields	Langley	Riordan
Batrlick	Flood, Va.	Lazaro	Sabath
Beall, Tex.	Fordney	Lee, Ga.	Saunders
Beil, Ga.	Francis	L'Engle	Sherley
Borland	Frear	Lenroot	Sherwood
Broussard	Gard	Leshner	Shreve
Brown, N. Y.	Gardner	Lewis, Pa.	Slemp
Browne, Wis.	George	Lindbergh	Small
Browning	Gillet	Lindquist	Smith, Idaho
Bruckner	Godwin, N. C.	Loft	Smith, Md.
Buchanan, Ill.	Goeke	McAndrews	Smith, N. Y.
Bulkley	Goldfogle	McClellan	Steenerson
Burke, Pa.	Gordon	McGillicuddy	Stephens, Miss.
Byrns, Tenn.	Gorman	McKenzie	Stephens, Nebr.
Calder	Goulden	Madden	Stephens, Tex.
Callaway	Graham, Ill.	Mahan	Stevens, N. H.
Cantor	Graham, Pa.	Maher	Stringer
Carew	Green, Iowa	Manahan	Switzer
Carlin	Griest	Martin	Taylor, N. Y.
Carr	Crimin	Merritt	Ten Eyck
Casey	Gudger	Metz	Thacher
Chandler, N. Y.	Hamilton, Mich.	Montague	Thompson, Okla.
Church	Hardwick	Morgan, La.	Treadway
Clancy	Haugen	Morin	Underhill
Clark, Fla.	Hawley	Mott	Vare
Connelly, Kans.	Hayes	Murray, Okla.	Vaughan
Copley	Hedlin	Neeley, Kans.	Volmer
Cramton	Henry	Nelson	Walker
Crisp	Hinds	O'Brien	Wallin
Crosser	Hinebaugh	O'Leary	Walters
Dale	Hobson	Padgett	Watkins
Davenport	Hoxworth	Palge, Mass.	Weaver
Decker	Hughes, Ga.	Palmer	Whaley
Dershem	Hughes, W. Va.	Parker	Whitacre
Dickinson	Johnson, S. C.	Patton, Pa.	White
Dies	Kelley, Mich.	Peters, Mass.	Willis
Dooling	Kennedy, Conn.	Peters, Me.	Winslow
Doremus	Kennedy, R. I.	Peterson	Woodruff

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DOREMUS with Mr. PAIGE of Massachusetts.

Mr. GODWIN of North Carolina with Mr. SLEMP.

Mr. CARLIN with Mr. SMITH of Idaho.

Mr. SMALL with Mr. HAUGEN.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. MURDOCK. Mr. Speaker, the yeas and nays.

The SPEAKER. The gentleman from Kansas demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Twenty-one gentlemen have risen, not a sufficient number, and the yeas and nays are refused.

The question was taken, and the bill was passed.

On motion of Mr. MOON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following requests for leave of absence:

Mr. BROUSSARD requests leave of absence for one week, on account of official business.

WASHINGTON, D. C., August 9, 1914.

Hon. CHAMP CLARK,
Speaker House of Representatives.

DEAR SIR: I ask leave of absence for two weeks, on account of sickness in family.

Very truly,

HENRY T. RAINY.

The SPEAKER. Is there objection?

Mr. DONOVAN. Mr. Speaker, I object to the first one, in reference to Mr. BROUSSARD.

The SPEAKER. Is there objection to the second request? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the bill which was just passed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVY, Mr. HAMILL, Mr. REILLY of Wisconsin, Mr. WALSH, Mr. SMALL, Mr. SELDOMRIDGE, Mr. CARY, Mr. CURRY, and Mr. J. M. C. SMITH made the same request.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

ORDER OF BUSINESS.

Mr. FOSTER. Mr. Speaker, I present the following resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

Mr. LINTHICUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LINTHICUM. Was objection made to my request?

The SPEAKER. No; not to the request of the gentleman; the rest were shut out.

Mr. LEVY. How about my request?

The SPEAKER. The gentleman from New York is included in the bunch. The Clerk will report the privileged resolution from the Committee on Rules.

The Clerk read as follows:

House resolution 536 (H. Rept. 1081).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration in the order named of the following bills, to wit:

1. H. R. 16673. To provide for the development of water power and the use of public lands in relation thereto, and for other purposes. The first reading of the bill shall be dispensed with, and there shall not be exceeding four hours of general debate, to be equally divided between those who favor and those who oppose the same, one half of such time to be controlled by the gentleman from Oklahoma [Mr. FERRIS] and the other half by the gentleman from Wisconsin [Mr. LENROOT]. At the conclusion of such general debate the bill shall be considered in the Committee of the Whole House on the state of the Union and shall be read for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole the same shall be reported to the House with such recommendations as the committee may make.

2. H. R. 14233. To provide for the leasing of coal lands in the Territory of Alaska, and for other purposes. The first reading of the bill shall be dispensed with, and there shall be not exceeding six hours of general debate on the bill, to be equally divided between those who favor and those who oppose the same, one half of such time to be controlled by the gentleman from Oklahoma [Mr. FERRIS] and the other half by the gentleman from Wisconsin [Mr. LENROOT]. At the conclusion of such general debate the bill shall be read for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole the same shall be reported to the House with such recommendations as the committee may make.

3. H. R. 16136. To authorize exploration for and disposition of coal, oil, gas, potassium, or sodium. The first reading of the bill shall be dispensed with, and there shall not be exceeding four hours of general debate, to be equally divided between those who favor and those who oppose the same, one half of such time to be controlled by the gentleman from Oklahoma [Mr. FERRIS] and the other half by the gentleman from Wisconsin [Mr. LENROOT]. At the conclusion of such general debate the bill shall be considered in the Committee of the Whole House on the state of the Union and shall be read for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole the same shall be reported to the House with such recommendations as the committee may make.

4. H. R. 12741. To provide for and encourage the prospecting, mining, and treatment of radium-bearing ores in lands belonging to the United States, for the purpose of securing an adequate supply of radium for Government and other hospitals in the United States, and for other purposes. The first reading of the bill shall be dispensed with, and there shall not be exceeding four hours of general debate, to be equally divided between those who favor and those who oppose the same, one half of such time to be controlled by the gentleman from Illinois [Mr. FOSTER] and the other half by the gentleman from Utah [Mr. HOWELL]. At the conclusion of such general debate the bill shall be considered for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole the same shall be reported to the House with such recommendations as the committee may make.

5. S. 4628. Extending the period of payment under reclamation projects, and for other purposes. The first reading of the bill shall be dispensed with, and there shall be not exceeding two hours of general debate—to be divided equally between those who favor and those who oppose the bill, one half of such time to be controlled by the gentleman from Texas [Mr. SMITH] and the other half by the gentleman from Nebraska [Mr. KINKADE]. At the conclusion of such general debate the bill shall be considered in the Committee of the Whole House on the state of the Union and shall be read for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole the same shall be reported to the House with such recommendation as the committee may make.

At the conclusion of the consideration of each bill above specified in the Committee of the Whole, the committee shall rise and report the same to the House, whereupon the previous question shall be considered

as ordered upon each bill and amendments thereto to final passage, without intervening motion, except one motion to recommit on each of said bills.

The order of business provided by this resolution shall be the continuing order of business of the House until concluded, except that it shall not interfere with Calendar Wednesday, unanimous-consent, or District days, and business in order on Fridays, nor with the consideration of appropriation bills, nor with the consideration of conference reports on bills, nor the sending of bills to conference. All debate shall be confined to the subject matter of the bill then under consideration, and all Members speaking upon any of said bills shall have the right to revise and extend their remarks in the RECORD, and all Members shall have the right to print remarks on any of said bills during not exceeding five legislative days.

Mr. FOSTER. Mr. Speaker, I would like to inquire of the gentleman from Kansas if he desires any time.

Mr. CAMPBELL. Yes; we will want some time on this side for the consideration of the rule.

Mr. FOSTER. How much time does the gentleman want?

Mr. CAMPBELL. I note there has been some change made in the rule. For instance, one of the bills mentioned is not recorded as having been considered by the committee. That is H. R. 16136.

Mr. FOSTER. That is the bill for the leasing on lands for minerals?

Mr. MANN. The phosphate bill.

Mr. FOSTER. Coal and phosphate lands. What does the gentleman say about it?

Mr. CAMPBELL. I say that bill in the original rule—

Mr. FOSTER. The original—let me explain this to the gentleman from Kansas, that in writing this rule, which I did myself, I made a mistake, as the gentleman will recall, at the meeting of the Committee on Rules. Instead of getting the bill that was intended to put in there—it was a bill it was not supposed that we were getting, and that bill provided for the codification and revising the mineral laws of the United States and it was not intended so, and when we met this resolution was so changed to conform with what was intended. The gentleman will recall it has been quite a while since this rule was reported.

Mr. CAMPBELL. I do not recall that instance now.

Mr. FOSTER. I will say to the gentleman, that was a mistake of my own, and when it was found out it was corrected by writing this new rule, in which we included the bill which was intended at that time.

Mr. MANN. Was that action taken by the Committee on Rules or by my colleague?

Mr. FOSTER. No; by the Committee on Rules. No; I would not presume to take liberties of that kind.

Mr. MANN. Has my colleague taken any liberties with this rule?

Mr. FOSTER. Not without the consent of the Committee on Rules.

Mr. MANN. As ordered reported from the Committee on Rules?

Mr. FOSTER. I will state to the gentleman frankly that there was a provision here that the House should take a recess at 5 o'clock or 5.30 until 8 o'clock, and that general debate should extend not later than 11 o'clock, but, in the opinion of the Committee on Rules, all we were able to see, including the gentleman from Kansas and the gentleman from Pennsylvania, it was thought better that that part should be marked off the resolution, and the report is made accordingly. There was no objection by anyone.

Mr. MANN. May I ask my colleague a question in reference to the provisions of this rule?

Mr. FOSTER. Certainly.

Mr. MANN. Would it be convenient to give the numbers of the bills and the order in which they are to be considered now?

Mr. FOSTER. The rule—

Mr. MANN. Well, I know the rule does—

Mr. FOSTER. I think I can.

Mr. MANN. As the rule never has been printed it was not possible to follow all of this. It was not possible to follow the numbers as the Clerk was reading.

Mr. FOSTER. I will state to the gentleman this, that the first bill to be considered is the bill to provide for the development of water power and the use of public lands in relation thereto. That is H. R. 16673. The next bill to be considered is H. R. 14233, a bill to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes; and the third is the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium. The next is the bill (H. R. 12741) to provide for and encourage the prospecting, mining, and treatment of radium-bearing ores in lands belonging to the United States, and so forth. And the

fifth bill, which was in the rule, and which I expect to move to strike out, was the bill which was passed here a short time ago, providing for the extension of payments on irrigation projects.

Mr. MANN. Then the rule as first reported does not contain the Senate bill 4373, which was in the original resolution?

Mr. FOSTER. No, sir; it does not, I will state to my colleague. That was a mistake in the resolution as introduced.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield for a question?

Mr. FOSTER. I will.

Mr. BURKE of South Dakota. I would like to ask the gentleman whether or not the Committee on Rules considered including in this rule the bill that provides for the enlarged homestead, the 640-acre grazing homestead bill, a bill of considerable importance to the West and the country generally, and unanimously reported from the Committee on the Public Lands?

Mr. FOSTER. I do not remember that we did.

Mr. MURDOCK. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. MURDOCK. Some time in June the newspapers carried the story that the Committee on Rules would have a meeting on July 1 to consider the Hobson amendment in regard to prohibition and suffrage. Then along about July 1 it was announced, unofficially, I think, that the Committee on Rules had postponed that meeting until August 1. Now, has the Committee on Rules had any meeting since?

Mr. FOSTER. They have not.

Mr. MURDOCK. There has been no meeting of the Committee on Rules in the last month?

Mr. FOSTER. Not to my knowledge.

Mr. MURDOCK. Can the gentleman say whether there is anything contemplated in that line?

Mr. FOSTER. I can not say.

Mr. MURDOCK. I want to say that the excuse given for the postponement to July 1 was that the gentleman from Texas [Mr. HENRY] was not here. He is back now.

Mr. FOSTER. I realize that.

Mr. WEBB. Mr. Speaker—

Mr. FOSTER. I yield to the gentleman from North Carolina.

Mr. WEBB. Last unanimous-consent day, yesterday a week ago, was set aside on account of emergency measures, and there are a number of important bills on the Unanimous Consent Calendar. An effort was made by the gentleman from Illinois to get unanimous consent to take up the Unanimous Consent Calendar after the passage of this Post Office bill which we have just passed to-day. Now, I want to ask the gentleman if there will be any disposition on the part of those who are supporting these four or five bills mentioned in the rule to agree to let us have next Monday and Tuesday, if necessary, to take up unanimous-consent measures?

Mr. UNDERWOOD. If the gentleman will allow me, I will state that I would object to at this time setting apart any day in the future for consideration of bills on the Calendar for Unanimous Consent. When the rule is adopted I will be glad to ask unanimous consent for consideration of the Unanimous Consent Calendar, if the gentleman will yield for that purpose. And when Tuesday comes, if there is no emergency measure before the House, I would be glad to do it then; but I do not think it would be wise to set apart a day in advance.

Mr. WEBB. I did not care to have any hard-and-fast agreement now; but I wanted to let the House know there are a good many bills that ought to be considered.

Mr. UNDERWOOD. I think the Unanimous Consent Calendar serves more Members than any other calendar; and I think it is perfectly justifiable that an opportunity for its consideration should be given.

Mr. TAYLOR of Colorado. Will that include any suspensions, where we can get consideration even though one man may object?

Mr. UNDERWOOD. I would not have objection to including suspensions. I do not know whether the House will want to do that or not.

Mr. CANDLER of Mississippi. Will the gentleman from Illinois please tell how many bills are included in this rule?

Mr. FOSTER. There are four bills.

Mr. CANDLER of Mississippi. And what do they cover?

Mr. FOSTER. They cover matters pertaining to the leasing of coal lands in Alaska and in the Western States, and water power, and the mining of radium-bearing ores—

Mr. CANDLER of Mississippi. All conservation bills?

Mr. FOSTER. All conservation bills.

Mr. ROGERS. I did not understand as the rule was being read whether it was the purpose to confine general debate to the bills themselves or whether it might take a wide range?

Mr. FOSTER. The general debate is to be confined to the bills themselves.

Mr. ROGERS. In all cases?

Mr. FOSTER. In all cases.

Mr. COLLIER. How much general debate will there be altogether on those four bills?

Mr. FOSTER. I think about 18 hours altogether.

Mr. BRYAN. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. BRYAN. I would like to ask the gentleman if there is any intention to include in this rule or any other rule the consideration of the seamen's bill, S. 132, which was reported over here from the Senate about a year ago or something over a year ago?

Mr. FOSTER. I will say to the gentleman frankly it was not so intended in this rule. I could not answer for the future. I understand, in regard to the seamen's bill, that they have been endeavoring as best they could—those who have it in charge—to get a bill that will be satisfactory to all parties. I hope that they may be able to get to it.

Mr. ALEXANDER. Mr. Speaker, will the gentleman allow me?

Mr. FOSTER. Yes.

Mr. ALEXANDER. If the gentleman from Washington [Mr. BRYAN] would get in touch with the work of his committee he would know that the committee has now about come to an agreement among all the parties interested on a common ground, and I already had the promise of the Speaker to recognize me to move to suspend the rules, following the consideration of the Unanimous Consent Calendar, and pass this bill.

Mr. BRYAN. I am acquainted with the work of the committee and know that we are probably about to make an agreement. I noticed that the gentleman announced the other day, at the last meeting of the committee, that he was about to make an agreement. Of course, I did not know that the Speaker consented to recognize anybody, and I was trying to find out what the plans are.

Mr. ALEXANDER. The Speaker has consented to recognize me. If we have the help of the gentleman from Washington and those having a peculiar interest in the legislation I think we shall have no trouble in passing the bill.

Mr. BRYAN. I have a peculiar interest in the bill, and my interest in the seamen's end of the proposition is not the least of my interest in the bill.

Mr. CAMPBELL. Mr. Speaker, I would like to have about 15 minutes on the discussion of the rule.

Mr. FOSTER. How much of the hour is remaining, Mr. Speaker? May I inquire how much of the hour has been consumed?

The SPEAKER. Thirty-five minutes.

Mr. FOSTER. Has 35 minutes been consumed?

The SPEAKER. Thirty-five minutes have been consumed, and 25 minutes are left.

Mr. CAMPBELL. I would like to have 15 minutes on the rule.

Mr. UNDERWOOD. Before the gentleman from Illinois [Mr. FOSTER] yields time I will ask the gentleman if he will not permit an amendment of the rule providing that this rule shall not interfere with the consideration of revenue bills or bills affecting the bonded indebtedness of the United States if it should be necessary to bring in bills of that kind?

Mr. FOSTER. I will state to the gentleman from Alabama that I had intended to offer an amendment to the rule providing, after the words "appropriation bills," an amendment to the effect that it should not interfere with the consideration of revenue bills. I want to strike out also that part of the rule referring to the consideration of the Senate bill that has already been agreed to. Can I offer these amendments, Mr. Speaker, before I yield time for debate? If so, Mr. Speaker, I offer an amendment before this debate begins now.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the words "appropriation bills," add the following: "or bills relating to the revenue and the bonded debt of the United States."

Mr. FOSTER. Does the gentleman want to vote on this now?

Mr. CAMPBELL. I think it should come later.

Mr. FOSTER. Mr. Speaker, I ask for a vote.

Mr. CAMPBELL. I suggest that the amendment be acted upon at the conclusion of the debate on the rule.

Mr. FOSTER. Then there is another amendment, providing for the consideration of Senate bill 4628. I would like to ask unanimous consent, if it is in order, that that be stricken out.

Mr. CAMPBELL. That is the bill that has already been considered by the House?

Mr. FOSTER. Yes; that is the bill that has already been considered by the House.

Mr. CAMPBELL. I have no objection to that being taken out of the rule.

Mr. FOSTER. Then, Mr. Speaker, I ask unanimous consent that the portion of the rule relating to Senate bill 4628 be stricken out.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the portion of the rule relating to Senate bill 4628 be stricken out of the rule. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The rule provides that the time on one side on the three bills coming from the Committee on the Public Lands shall be controlled by the gentleman from Wisconsin [Mr. LENROOT]. Mr. LENROOT is at present detained from the House on account of the illness of his daughter. Now, if the rule should be adopted without change, would it be proper for the Chairman of the Committee of the Whole House in each case to recognize the next minority man on the committee, who would be Mr. FRENCH, of Idaho?

The SPEAKER. Undoubtedly the Chair will recognize the second man on the minority side of the committee.

Mr. MANN. With that statement of the Chair, I think that is sufficient.

Mr. TAYLOR of Colorado rose.

The SPEAKER. For what purpose does the gentleman from Colorado rise?

Mr. TAYLOR of Colorado. I would like to ask a question of the gentleman from Illinois [Mr. FOSTER]. Both of the gentlemen designated by the rule to have charge of the debate are in favor of the bills. I want to ask the gentleman whether or not those who are opposed to the bills will be given opportunity to present their objections?

Mr. FOSTER. I beg to state, Mr. Speaker, that the rule provides that the time shall be under the control of those gentlemen, but equally divided between those opposing and those in favor of the bill; so I judge that the men in control will be fair in that respect. How much time remains, Mr. Speaker?

The SPEAKER. You have half an hour left.

Mr. CAMPBELL. We want 20 minutes on this side.

Mr. FOSTER. Suppose we divide up and give you 15 minutes?

Mr. CAMPBELL. Oh, we are adopting a rule here now that relates to four very important matters. You can get your time extended, if necessary.

Mr. FOSTER. We would have only 10 minutes left. I yield to the gentleman 15 minutes.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized for 15 minutes.

Mr. FOSTER. Mr. Speaker, I would like to ask that at the end of the time the previous question shall be considered as ordered on the resolution.

The SPEAKER. The gentleman from Illinois asks unanimous consent that at the end of the hour the previous question be considered as ordered.

Mr. CAMPBELL. I shall object to that.

The SPEAKER. The gentleman from Kansas objects. The gentleman is recognized for 15 minutes.

Mr. CAMPBELL. Mr. Speaker, this rule undoubtedly challenges the attention of the House to the fact that we are again doing business by special rule. Most of the important legislation of this Congress has been by special rule. It was said, when we were "reforming" the rules of the House a few years ago, that automatically from that time on the business of the House would come up and be transacted, and no man would have to take his hat in his hand and bow on the doormat of the Speaker or of any committee of the House. Evidently the conditions have only been changed, so that it is now necessary to go to the Committee on Rules to secure time or opportunity for considering the business of the House.

Why this rule should be called up at this time it is difficult to understand. There may have been some reason for it at the time it was considered by the Committee on Rules, some two months ago, but to-day the call of the calendar would enable the House to consider every one of these bills as reached on the calendar. The rule itself provides that the general debate shall be upon the bills themselves. In view of the fact that Congress will probably remain in session for some weeks yet, a more liberal rule, enabling Members on this side to call attention to the delinquencies on the part of the majority, would have served a good purpose. But we have a special rule which

provides for the consideration of legislation that should be considered on the call of the calendar. It shows Democratic incompetency.

I now yield five minutes to the gentleman from Illinois [Mr. MANN] and reserve the balance of my time.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, my colleague [Mr. FOSTER] introduced on June 9, 1914, House resolution 536, and has now reported that resolution from the Committee on Rules with a substitute, changing its provisions. The Committee on Rules acted on this resolution a month or two months ago. There has been no opportunity for anyone in the House to know what the Committee on Rules was going to report. They delay their report until the very last moment, and then bring a report before the House and ask consideration for it at once, and provide in the rule that immediately after the adoption of the rule the House shall proceed to the consideration of the bills.

One of the bills named in the substitute rule was not named in the original resolution. The order in which the bills are to be considered is changed in the substitute from the order in the original resolution. No one in the House, outside of the holy and mighty Committee on Rules, could know what was coming up this afternoon after this rule was adopted. That is Democratic efficiency and legislation. I hold in my hand a copy of the calendars of the House. It takes 11 pages to print the titles of the bills which are on the calendar of the Committee of the Whole House on the state of the Union. There are six pages of bills on the House Calendar and six pages on the Calendar for Unanimous Consent, not to mention those on the Private Calendar. One might come here and study the rules and practice of the House from the beginning of the Government until to-day, and know all about the rules providing for the consideration of business. He would find that those rules provide for a calendar for the Committee of the Whole House on the state of the Union, a House Calendar, a Private Calendar, a Calendar for Unanimous Consent. The rules also provide for a call of committees, for Calendar Wednesday, for a day to be devoted to the Private Calendar, and days to be devoted to the Calendar for Unanimous Consent. Then our Democratic majority dump in here at the very last moment, without the knowledge of anyone outside of the Committee on Rules, an omnibus rule for the consideration of bills in violation of the ordinary rules of the House. I dare say that no one in the House, outside of the Committee on the Public Lands, has read the bill that is first to come up. We had a dam bill here the other day which was fully considered, numerous amendments, entirely changed in its provisions after good consideration; but it is proposed now immediately to bring into the House for consideration another dam bill from the Committee on the Public Lands, a bill that Members of the House have not considered, and that no one could tell was coming up this afternoon unless he was in the confidence of the Committee on Rules. That is the method we now have.

The old method was far preferable. Men could know something about the bills that might be considered; but now if you can manage to get a line on the Committee on Rules, or if you can get to be a member of the Committee on Rules, like my colleague from Illinois [Mr. FOSTER] who reports this rule, and if you can get a bill reported from your committee, you can get it considered in this way. I appreciate the modesty of my colleague. In his first rule which he introduced he proposed to take a bill off the Speaker's table—I do not know whether it was on the Speaker's table or not, but I think not—which never had been printed in the form in which it was proposed to be considered. He proposed to have the House take up that bill and consider it without even having the printed bill before any Member of the House. Well, the other members of the Committee on Rules thought that was going too strong, so they compromised with my colleague by letting him put one other bill from his committee into the rule.

I give fair warning to the House that if we are going to be run by the Committee on Rules, without any notice of what shall come up, without any attention being paid to the rules of the House, you must have quorums here to pass the bills. [Applause on the Republican side.] There are many Members in this House interested in bills on the calendars. They can not get bills considered which are on the Union Calendar, which are on the House Calendar, which are on the Unanimous Consent Calendar; but the Committee on Rules, without any notice, can bring any matter before the House. It is the most arbitrary, conscienceless proceeding that I have ever witnessed in this House, in my service in the House, and I am surprised that my colleague, who is very fair in the House, should have been caught reporting this rule, a rule that the chairman of

the Committee on Rules found was so strong that he would not report it, that the gentleman from Tennessee [Mr. GARRETT] found so radical that he would not report it, and had to make my poor colleague [Mr. FOSTER] report it, because he had one of the bills named in the rule.

Mr. FOSTER. Mr. Speaker, I am somewhat surprised at my colleague. It has been generally supposed in this House that he was the one Member among the 435 Members of the House who knew something about everything that goes on here. These bills have been on the calendar for a long time, and my colleague just found it out this morning.

Mr. MANN. Oh, I beg the gentleman's pardon. I have been over the bills. The gentleman need not get worried about that.

Mr. FOSTER. He says now that not one Member of the House has read these bills or knows anything about them except the members of the Committee on the Public Lands. I saw my colleague sit here for four long years and vote for every rule that came into the House from the Committee on Rules when his party was in power, and I never heard him raise his voice, no difference how strong those rules were. But now when this rule is liberal, permitting all the amendments that are possible under the five-minute rule, there is complaint. How will you ever satisfy some Members?

Has he become the leader of the Progressives of the House of Representatives on the question of rules and the liberality of the rules? Why, Mr. Speaker, there was a time in this House when there were some Progressives who took an active part when the Republicans were in the majority, but I never before heard my colleague accused of being so progressive that he could not stand a liberal rule like this. He is the one Member in all this House whom I would not have expected to be taken by surprise. There may be other Members who do not watch legislation as carefully as he does, and they might be taken by surprise; but now he gets up on this floor and pretends to be surprised that these important bills are coming up and feeling so bad for all the other Members of the House who did not know anything about them. It is really pitiful to hear him wail this morning on the question of the gag rule that is contained here, when it allows all possible debate. Why, they used to bring in a rule on that side of the House giving us 20 minutes' debate, or possibly none at all, and we were compelled to vote on a proposition without any amendment. I am very fond of my colleague, and I know he does good service in this House at times. I know that when he stops to reflect and consider about what is taking place here now, he will probably feel that that speech of his was made in a Pickwickian sense, and he will probably apologize to the House for making such a speech. [Laughter.]

Mr. CAMPBELL. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN] two minutes in which to make his apology.

Mr. MANN. The trouble with my colleague [Mr. FOSTER] on the other side of the House is that he deals in imagination. There have been more rules brought in to this Congress from the Committee on Rules, I think, than there were during the 14 years of my service in this House previous to the Sixty-second Congress; and there have been more bills considered under special rules, I think, in this Congress than during the 14 years of my service prior to a Democratic House. The Committee on Rules in the old days very seldom interfered with the procedure under the regular rules of the House. It was not necessary. It is not necessary now. There are ways of doing business under the ordinary rules of the House, and we never appealed to the Committee on Rules for permission to transact the business of the House which the ordinary rules ought to provide for and do provide for, with any sort of efficient management on the side of the House that has the majority. I did not always vote for the rules, even in the old days, but they very seldom provided for the order of business in the consideration of bills.

But whenever anything comes up here now, when gentlemen on the other side of the House do something that is violative of all principles and justice and parliamentary law, they say, "We are following what the Republicans did in the old days." If that were true, it would be no excuse; but the trouble is that it is not true. The Republicans never had such vicious methods as the Committee on Rules has now adopted. The Committee on Rules meets some morning at a quarter to 12 o'clock and authorizes the reporting out of a rule covering half a dozen or more bills, and then the committee disbands and says that it can not be brought together, because they are afraid—afraid of taking up something. Then my colleague reports a rule and changes it without authority from the Committee on Rules. The rule reported here this morning is not the rule that was ordered reported by the Committee on Rules, and they have not had any meeting since.

Mr. FOSTER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. FOSTER. Mr. Speaker, I was perfectly frank in stating that to the gentleman, and the gentleman might leave the impression that I have been dishonest with the House and had deceived it, and I have not done that, and the gentleman knows it.

Mr. MANN. I know that my colleague reported a rule, not as the Committee on Rules ordered it reported, changed it without authority, and why? I am not blaming him for striking out a bad provision in the rule, but this was done because the Committee on Rules is afraid to have a meeting. That is the reason.

Mr. FOSTER. I will state to the gentleman that it has been a long time since I noticed the rule, and after reading it this morning I went to gentlemen on that side of the House and consulted them about it.

Mr. MANN. Oh, yes; and that would have been authority, I suppose, to make a motion. The gentleman had no authority from the Committee on Rules.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FOSTER. Mr. Speaker, I could not rest under the charge that I have changed a rule after it has been reported from the committee without the consent of the members, and I brand as false any statement of that kind—that I have done it without the authority of the Committee on Rules. I have been honest and fair, and I will not stand under the imputation that I have changed a rule after it has been reported by the Committee on Rules without authority from that committee. I am surprised that my colleague should state that. I frankly stated the situation to the gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Pennsylvania [Mr. KELLY] before the House met; went and talked to them about it, and as many members as I could find on this side, and they all willingly agreed to it. There was not an objection. That is all there is to it.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MANN. My statement was made upon the strength of the statement of my colleague, who himself stated what I said.

Mr. FOSTER. The gentleman asked me and I supposed that he had received the information from the gentlemen on that side of the House, when he asked about this change in the rule, and I frankly stated what had taken place. I do not know whether he did it or not, but that was my impression at the time, but I want to say to the gentleman from Illinois that I endeavor to stand as honorably, and I believe that I am as honorable, as he with reference to matters coming before the House.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. No; not now.

The SPEAKER. The gentleman declines to yield.

Mr. FOSTER. Mr. Speaker, I will ask the gentleman from Kansas to use some of his time.

Mr. CAMPBELL. Is it the intention of the gentleman from Illinois to close in one speech?

Mr. FOSTER. Yes.

Mr. CAMPBELL. Then, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, this House, under the management of my friends on the other side, having dawdled along and wasted its time for months, the Committee on Rules about two months ago concluded that if certain important measures were to be considered it would perhaps be necessary to have them considered by a special rule, it having been demonstrated that under the management of our friends on the other side that is about the only way in which legislation can be considered in this House. The committee met, I think, about two months ago to-day. They had under consideration what was known as the conservation bills, first and foremost among which is a bill for the conservation of the area in the West which may be cultivated and on which homes may be established. The committee as the result of its meeting made a report. It has never been entirely clear to any of us just what that report proposed, because it has not been printed, though two months have elapsed, but in any event the most important of all of the conservation bills, the bill which would give an opportunity for new homes in the West, which would give an opportunity for addition to the cultivated area of the country, is overlooked and forgotten. The gentleman from Illinois [Mr. FOSTER] says that, as he recalls it, it was not even considered by the committee. It certainly was in the minds of the members of the committee, because their attention had been called to it.

There was also before the committee at that time—or there had been called to the attention of the committee—two very

important propositions to give the people of this country an opportunity, if they saw fit, to amend the Constitution of the United States—one in the matter of the prohibition of the manufacture and sale of liquor and one preventing any State from in any way discriminating against women in the granting of the franchise. The committee was urged to pass on those important matters, but did not see fit to do so, although my understanding is that a number of the members of the committee were ready and willing and anxious to have those two matters reported and brought out. I think it was two months ago yesterday that the committee made this report, the exact character of which I, for one, have been in ignorance of up to a few moments ago, when the rule was read—not the original rule reported from the committee, as the gentleman from Illinois [Mr. MANN] has stated, but quite a different rule—a rule accompanied by a number of important amendments offered by the gentleman from Illinois [Mr. FOSTER], who offered the rule.

Naturally it would occur to us, if it were necessary to amend this rule, passed two months ago, for the adoption of which at that time there was no doubt good reason, if it were necessary to so radically amend this rule, why has the Committee on Rules not met and amended it? Why, the Committee on Rules has not desired to meet. The Committee on Rules has been dodging those who are anxious to have a constitutional amendment relating to the liquor traffic presented to us for consideration. Those good women who are anxious to have the people of the country given an opportunity to pass on the question of franchise have been importuning the committee at all times. We were told at the time of this meeting, on June 10, that there would be another meeting on August 1. The 1st of August came. This rule needed amendment. There were other matters that needed consideration by the Committee on Rules, but no meeting of the Committee on Rules was held then and no meeting has been held up to this time, although the Progressive and the Republican member on that committee have been ready at all times to meet with that committee and report out the legislation that the people demand shall be considered. The majority of the Committee on Rules has therefore been in this position before the House. It launches upon us at any time, without previous notice, an amended rule with regard to the consideration of four or five very important matters and refuses to meet for the purpose of considering matters that the people of the country are anxious to have passed upon. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. How much time have I remaining?

The SPEAKER. The gentleman has nine minutes left.

Mr. FOSTER. I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, there is always something amusing to me in the discussion that a special rule brought into the House of Representatives evokes. Ever since I have been a Member of the House, beginning in the Fifty-ninth Congress, the bringing in of a special rule from the Committee on Rules has been made the occasion of political discussion, and intelligent, sensible men who exercise prudence and good judgment about everything else seem absolutely to lose their heads when the matter of a special rule brought in as authorized under the general rules of the House is presented for consideration and adoption if a majority of the House wishes to adopt it. Now, that has not been confined to one side of the Chamber. I listened with a good deal of interest to the speech of the gentleman from Illinois [Mr. MANN]—I always listen to the gentleman from Illinois with great interest. The gentleman makes a good speech, but I have heard a great many much better speeches made on this side of the House along the same lines a few years ago than was made by the gentleman from Illinois a few moments ago. Now, what is this proposition? In the first place, the legislation that is provided to be considered is nonpartisan in character. The three platforms, if I remember correctly, declare for legislation for the conservation of the natural resources of the country. We are enabling you, as well as ourselves, if we adopt this rule, to carry out the platform pledges made to the people. I do not understand that there is any party division upon the bills which the rule provides shall be brought before the House, but if there were a political division upon the bills, or a division in any respect, then this rule does not prevent amendment to every paragraph of them. Gentlemen say that they did not so frequently, when the Republican Party was in control of the House, bring in special rules. I do not remember whether it was with as much frequency as has been the case since the Democrats have been in control, but this I do remember, that when the Committee on Rules of a Republican House brought in a rule it was always one to re-

member. It never permitted amendments. I seldom saw in the years when the Republicans were in control of this House a time when they brought in a special rule that permitted an amendment to even be offered in the House. This does nothing of the kind. The last bill which we considered under a rule was not in its essential elements a political proposition, though there was a phase of it which was made political, but every opportunity was given to amend that bill. It has been the custom since the Democrats have been in control of the House in bringing in special rules to permit every amendment that might be offered under the general rules of the House.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. I yield the gentleman two minutes more.

Mr. GARRETT of Tennessee. And why should this be complained of? The gentleman says the Committee on Rules presents a program of legislation when that legislation might be brought here under the general rules of the House upon the call of committees. Perhaps so. This rule was agreed to, as has been stated, two months ago. No one was taken by surprise by this rule. Everyone, I think, understood that this rule had been agreed to and that it would be presented when the opportunity was afforded; but it does not lie in the mouth of the gentleman from Illinois, the leader of the minority, to complain of the rule in fixing the order of business upon these bills which are nonpartisan in character because just a few weeks ago the gentleman permitted, by unanimous consent, without objection being made, the dam bill to be fixed as the order of business, when it could have come up under the call of committees. Mr. Speaker, this rule is presented in the interest of orderly procedure, to the end that the committees of this House may have an opportunity to respond to the demand of the people of this country—a demand which has been insistent and crying for many years, a response to which was pledged in every party platform in the campaign of 1912. This rule simply affords an opportunity to carry out that pledge and respond to that demand. [Applause.]

Mr. FOSTER. Mr. Speaker, I move the previous question on the amendments and rule to final passage.

The SPEAKER. The gentleman from Illinois moves the previous question on the rule and amendments to final passage.

The question was taken; and the Speaker announced the yeas seemed to have it.

On a division (demanded by Mr. FOSTER), there were—ayes 44, noes 38.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 106, nays 72, answered "present" 3, not voting 191, as follows:

YEAS—166.

Abercrombie	Donovan	Howard	Reilly, Conn.
Adair	Doolittle	Humphreys, Miss.	Reilly, Wis.
Adamson	Eagan	Igoe	Rubey
Alken	Eagle	Jacoway	Rucker
Alexander	Edwards	Johnson, Ky.	Russell
Ansberry	Evans	Keating	Scully
Bailey	Fergusson	Kettner	Seldomridge
Baker	Ferris	Kinhead, N. J.	Shackleford
Baltz	Finley	Kirkpatrick	Sims
Barkley	Fitzgerald	Kitchin	Sinnott
Barnhart	FitzHenry	La Follette	Sisson
Beakes	Floyd, Ark.	Lee, Pa.	Slayden
Blackmon	Foster	Leshner	Small
Booher	Fowler	Lever	Smith, Tex.
Borchers	French	Lewis, Md.	Sparkman
Bowdle	Gallagher	Lieb	Stanley
Brockson	Gallivan	Lithicum	Stedman
Brodbeck	Garner	Lloyd	Stone
Brown, W. Va.	Garrett, Tenn.	Lobeck	Stout
Brumbaugh	Garrett, Tex.	Logue	Sumners
Buchanan, Tex.	Gill	Loneragan	Taggart
Burgess	Gittins	McKellar	Talbot, Md.
Burke, Wis.	Glass	Maguire, Nebr.	Talcott, N. Y.
Burnett	Godwin, N. C.	Mitchell	Tavener
Byrnes, S. C.	Goodwin, Ark.	Moon	Taylor, Ark.
Candler, Miss.	Gray	Morrison	Ten Eyck
Cantrill	Gregg	Moss, Ind.	Thacher
Caraway	Hamill	Mulkey	Thomas
Carter	Hamlin	Murray, Mass.	Townsend
Church	Hammond	Oglesby	Tribble
Claypool	Hardy	O'Hair	Tuttle
Cline	Harris	Oldfield	Underwood
Coady	Harrison	O'Shaunessy	Watson
Collier	Hart	Page, N. C.	Webb
Connolly, Kans.	Hay	Park	Williams
Conry	Hayden	Patten, N. Y.	Wilson, Fla.
Cox	Helm	Post	Wilson, N. Y.
Deltrick	Helvering	Pou	Wingo
Deut	Hensley	Quin	Witherspoon
Difenderfer	Hill	Raker	Young, Tex.
Dixon	Holland	Rauch	
Donohoe	Houston	Rayburn	

NAYS—72.

Anderson	Esch	Kinkaid, Nebr.	Rogers
Avis	Falconer	Levy	Scott
Barton	Farr	McLaughlin	Sells
Bell, Cal.	Good	MacDonald	Sloan
Britten	Greene, Mass.	Mann	Smith, Idaho
Bryan	Hamilton, N. Y.	Mapes	Smith, J. M. C.
Burke, S. Dak.	Haugen	Miller	Smith, Saml. W.
Butler	Helgesen	Mondell	Stafford
Campbell	Howell	Moore	Stephens, Cal.
Cary	Hulings	Morgan, Okla.	Stevens, Minn.
Cooper	Humphrey, Wash.	Moss, W. Va.	Sutherland
Curry	Johnson, Utah	Murdock	Taylor, Colo.
Danforth	Johnson, Wash.	Nolan, J. I.	Temple
Davis	Kahn	Norton	Thomson, Ill.
Dillon	Kelster	Payne	Towner
Drukker	Kelly, Pa.	Plumley	Volstead
Dunn	Kennedy, Iowa	Roberts, Mass.	Woods
Edmonds	Kindel	Roberts, Nev.	Young, N. Dak.

ANSWERED "PRESENT"—3.

Rothermel	Sherwood	Taylor, Ala.
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NOT VOTING—191.

Ainey	Driscoll	Kennedy, R. I.	Peters, Me.
Allen	Dupré	Kent	Peterson
Anthony	Elder	Key, Ohio	Phelan
Ashbrook	Estopinal	Kless, Pa.	Platt
Aswell	Fairchild	Knowland, J. R.	Porter
Austin	Faison	Konop	Powers
Barchfeld	Fess	Korbly	Prouty
Bartholdt	Fields	Kreider	Ragsdale
Bartlett	Flood, Va.	Lafferty	Rainey
Bathrick	Fordney	Langham	Reed
Beall, Tex.	Francis	Langley	Riordan
Bell, Ga.	Frear	Lazaro	Rouse
Borland	Gard	Lee, Ga.	Rupley
Broussard	Gardner	L'Engle	Sabath
Brown, N. Y.	George	Lenroot	Saunders
Browne, Wis.	Gerry	Lewis, Pa.	Sherley
Browning	Gillett	Lindbergh	Shreve
Bruckner	Gilmore	Lindquist	Slemp
Buchanan, Ill.	Goeke	Loft	Smith, Md.
Bulkeley	Goldfogle	McAndrews	Smith, Minn.
Burke, Pa.	Gordon	McClellan	Smith, N. Y.
Byrns, Tenn.	Gorman	McCoy	Steenerson
Calder	Goulden	McGillicuddy	Stephens, Miss.
Callaway	Graham, Ill.	McGuire, Okla.	Stephens, Nebr.
Cantor	Graham, Pa.	McKenzie	Stephens, Tex.
Carew	Green, Iowa	Madden	Stevens, N. H.
Carlin	Greene, Vt.	Mahan	Stringer
Carr	Griest	Maher	Switzer
Casey	Griffin	Manahan	Taylor, N. Y.
Chandler, N. Y.	Gudger	Martin	Thompson, Okla.
Clancy	Guernsey	Merritt	Treadway
Clark, Fla.	Hamilton, Mich.	Metz	Underhill
Connolly, Iowa	Hardwick	Montague	Vare
Copley	Hawley	Morgan, La.	Vaughan
Covington	Hayes	Morin	Vollmer
Cramton	Heflin	Mott	Walker
Crisp	Henry	Murray, Okla.	Wallin
Crosser	Hinds	Neeley, Kans.	Walsh
Cullop	Hinebaugh	Neely, W. Va.	Walters
Dale	Hobson	Nelson	Watkins
Davenport	Hoxworth	O'Brien	Weaver
Decker	Hughes, Ga.	O'Leary	Whaley
Dershem	Hughes, W. Va.	Padgett	Whitacre
Dickinson	Hull	Palge, Mass.	White
Dies	Johnson, S. C.	Palmer	Willis
Dooling	Jones	Parker	Winslow
Doremus	Kelley, Mich.	Patton, Pa.	Woodruff
Doughton	Kennedy, Conn.	Peters, Mass.	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CONNOLLY of Iowa with Mr. CRAMTON.

Mr. HULL with Mr. NELSON.

Mr. MCCOY with Mr. SMITH of Minnesota.

Mr. PALMER with Mr. PROUTY.

Mr. ROTHERMEL with Mr. RUPLEY.

Mr. CASEY with Mr. MCGUIRE of Oklahoma.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on agreeing to the amendment to the resolution.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

Mr. UNDERWOOD. Mr. Speaker, did the Speaker announce that the rule had been agreed to?

The SPEAKER. Yes.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that for the remainder of this afternoon the Unanimous Consent Calendar may be in order.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that for the remainder of the afternoon the Unanimous Consent Calendar shall be in order. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I think that, in all courtesy and propriety, the House ought to adjourn on account of the burial of the wife of the President, and I shall not consent to anything that I can object to.

Mr. UNDERWOOD. Mr. Speaker, the gentleman has brought this question on the floor of the House—a thing which I did not intend to do. But I will state to the gentleman from Illinois that, so far as I am concerned and so far as this House is concerned, no man in the United States, or set of men, is more anxious to show regret at the death of the wife of the President, or more desirous of doing what is proper under the circumstances. But I wish to say to the House that one of the secretaries to the President on last Saturday stated to me over the telephone that the President of the United States did not desire that the funeral services in his own family should interfere with the business of either of the Houses of Congress, and preferred that the Houses remain in session. Under those circumstances I think it is proper and the right thing to do—for the House to continue in session.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I do.

Mr. MANN. Does not the gentleman think that it would be proper for the House and for the Members of the House, out of regard for their own feelings on the occasion, to express their sentiments without relying upon or asking the President to intimate whether he thinks the House should join with him in mourning or to express his opinion? It is for the House to determine.

Mr. UNDERWOOD. I do not think the gentleman from Illinois should have brought this question on the floor at all. The membership of this House has expressed its feeling in this matter. We adjourned the other day out of respect for the Nation's loss, and we adjourned over yesterday, the day of the funeral. The President of the United States has his views in reference to his own family matters, and I desire to respect them.

Mr. Speaker, I ask unanimous consent that the Unanimous Consent Calendar may be in order for the balance of the afternoon.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the Unanimous Consent Calendar shall be in order for the remainder of the afternoon. Is there objection?

Mr. J. I. NOLAN. Mr. Speaker, I object.

The SPEAKER. The gentleman from California objects.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. The Chair announces that the gentleman from Georgia [Mr. ADAMSON] will preside as Speaker pro tempore to-morrow.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CLARK of Florida, indefinitely, on account of illness in his family.

To Mr. PALMER, for one week, on account of sickness.

WATER POWER ON THE PUBLIC DOMAIN.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union under the rule just adopted, with the gentleman from New York [Mr. FITZGERALD] in the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16673, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16673, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 16673) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] is recognized for two hours.

Mr. FERRIS. Mr. Chairman, section 1 of the pending bill authorizes the Secretary of the Interior to lease the reserved and unreserved Government lands of the United States, national parks excepted, for a term of not exceeding 50 years for the purpose of water-power development.

(a) The provision on page 2, from line 9 to 15, inclusive, requires the chief officer of the department who has jurisdiction over any of the reserve lands who finds that such lease for water-power and hydroelectric development will not injure or destroy or be inconsistent with the purposes for which the reservation was created. This is thought to be necessary to avoid conflict.

(b) The second provision of section 1, occurring on page 2 and within lines 16 to 20, inclusive, authorizes the Secretary of the Interior to grant preference to applications for lease by States, counties, and municipalities when the applications are

made for municipal uses and purposes. This is thought to be justice, for where a State, county, or municipality elects to develop hydroelectric power for their own use it is thought to be the highest use and in the interest of the public that they do not have to compete with some selfish corporation which might be able to marshal securities and become a more apt bidder therefor.

(c) The further provision in section 11, page 2, beginning in line 20 and including the remainder of the section, authorizes the Secretary of the Interior to issue temporary permits which authorize the occupation of the land for water-power development for a period not exceeding one year to enable the applicant to secure necessary engineering data, determine the feasibility of the project, and to finance the same; further, authorizing the extension of the one-year period when, in the discretion of the Secretary, unusual weather conditions or other conditions beyond the control of the applicant occur and make the same advisable. The advisability of this is apparent, due to the fact that much of this development has to be carried on on borrowed money. It requires time and engineering investigation to develop whether or not a project is feasible, whether or not the product can be disposed of, whether or not the money can be secured to develop it, whether or not water rights are in conflict, and, if so, time is required to purchase them. It is thought that such a provision and such authority vested in the Secretary is in the public interest and will bring about development of water-power resources; will not unduly tie up the property and hold storage it, so to speak, but will allow honest investors an opportunity to take the necessary preliminary steps looking to a final development of the property.

SECTION 2.

Section 2 provides that the lease shall contain a provision for the diligent, orderly, and reasonable development and continuous operation, subject to market conditions. Section 2 also enables the Secretary of the Interior, when he thinks it advisable, to put a provision in the lease denying to the operator or lessee the right to contract for the disposition of more than 50 per cent of the total output to any one consumer. It is thought to be of the highest importance that the lease, which is the original contract between the Government and the applicant, should bear all these provisions, which are almost sure to become more and more important during the life of the lease. It will also be observed that section 2 provides that the Secretary of the Interior may limit the amount of electrical energy that may be sold to any one person. It is thought wise to give him this power, but it was not thought the part of wisdom to make it mandatory. In some instances such a provision would be very helpful to ward off and break down monopoly where it exists, but where no monopoly exists it might be oppressive and unnecessary.

SECTION 3.

Section 3 provides that where hydroelectric power is generated in two or more States the regulation and control of service and of charges for service to consumers and of the issuance of stock and bonds by the lessee is conferred upon the Secretary of the Interior or committed to such body as may be provided for by Federal statute. This is thought extremely advisable; otherwise, where electricity is generated in more than one State and State control is ineffective and inoperative, then and in that event it is thought to be the part of wisdom to confer upon the Secretary of the Interior power to regulate the same. It was also thought important to have the legislation indicate that the time might come when Congress in its wisdom might elect to confer this power either upon the Interstate Commerce Commission or some other Federal water power commission that Congress might create. Then, and in that event, the power of the Secretary of the Interior would cease, and such power step in and take control as Congress might provide.

The provision occurring on page 4, beginning at the end of line 4, is an antimonopoly provision, which authorizes combinations in the interest of efficient service, but expressly prohibits combinations, agreements, arrangements, or understandings, expressed or implied, to limit the output of electrical energy, to restrain trade with foreign nations or between two or more States or within any one State, or to fix, maintain, or increase prices for electrical energy or service. It will be observed that it is an extremely difficult task to properly regulate monopoly in connection with water power, for numerous instances can be cited where to allow combinations and union of effort and enterprise is found to be strictly in the interest of the public; but, of course, the general rule is otherwise, and it was the thought of the committee in dealing with this intricate question that the widest latitude should be given to the Secretary of the Interior, and that by experience and personal contact with

the subject he could handle the matter more intelligently without too many fetters and restraints.

SECTION 4.

Section 4 provides that without the written consent of the Secretary of the Interior the lessee or power development company shall not sell or deliver power to a distributing company, except in case of an emergency, and then only for a period not exceeding 30 days. It further provides that the lease shall not be assignable or transferable without the written consent of the Secretary of the Interior.

The provision occurring on page 4, section 4, line 17, expressly provides that the lessee shall be allowed to execute mortgages or trust deeds on the property for the purpose of financing the project. It expressly provides, however, that in the event of such transfer, whether voluntary or involuntary, it shall be subject to all the conditions of approval under which such rights were held as contained in the prior lease and in the act. This provision is thought to be imperative, due to the fact that much, if not quite all, of the development of hydroelectric energy must of necessity be done on borrowed capital, and it was not the wish of the committee to pass an act that would prevent financiers from financing the projects. It was the earnest wish of the committee and the proponents of this bill that the bill be made workable; that the bill be made attractive to capital, so that early and speedy development would occur, thereby reducing the cost of power to all who use it, and that the results intended would flow from the highest use of the natural resources bequeathed to us by nature.

SECTION 5.

Section 5 provides for the retaking of the property at the end of the lease and indicates just how the property is to be retaken. In a word, it provides that all nonperishable property, which is sure to increase in value rather than decrease, such as lands, water rights, rights of way, and good will, the actual cost shall be paid therefor. The section further provides that all other property, such as structures, machinery, etc., that are apt to depreciate rather than increase in value, it is thought to be in the interest of the public to provide that the fair value shall be paid therefor, so that in retaking the property the public will not be forced to pay more than the property is actually worth. Your committee feels sure that section 5 lays down the correct rule for a retaking of the property.

The section contains a provision on page 5, line 21, which expressly provides that the reasonable value referred to shall not include or be affected by the value of the franchise or good will or profits to be earned on pending contracts or any other intangible element. It was the thought of the committee that this was clearly in the interest of the public. It was thought that it was but common justice that when we lease the property of the Government for a term of years the lessee should not be permitted to heap up the unearned increment, the good will, and other intangible elements that naturally go along with a business of this sort. It is the thought that the only thing that distinguishes a lease from a grant in perpetuity is the ability of the Federal Government to retake it. Therefore, it is the thought of your committee that this recapture provision of this bill or any other bill is of the highest importance and one that should be looked into carefully.

SECTION 6.

Section 6 lays down the three specific things that the Federal Government can do at the expiration of any lease made under this act. First, the Federal Government may retake it and operate it itself; second, it may renew the lease to the original lessee upon such terms and conditions and for such term as may be authorized under the then existing applicable laws; third, the Secretary of the Interior, upon the expiration of the lease, may lease the property of the original lessee to a new lessee upon such new conditions, new terms, and for such new periods of time as the applicable laws of that date authorize, providing that the new lessee shall pay for the property according to the rule laid down in section 5 of this act. It is the thought that section 6 makes it sufficiently clear that at the expiration of the term the Federal Government will have a free hand to do what it desires to do with the property. It is thought that anything short of this would be giving away more than the public or Congress would intend to do. This section 6 merely magnifies the necessity of an appropriate recapture provision; for example, if the Federal Government elected to lease the property to a new lessee, one of the first controversies that would arise would be, Can I secure possession of the property, and what is the rate I must pay for the property of the preceding lessee? If the method of recapture was simple, easy, plain, and well understood and on equitable grounds, so that the lessee would not have to pay for watered stock and inflated values, then and in that

event prospective lessees for the property would be numerous, the rights would be valuable to the Government, and good results would flow in every direction.

But, on the other hand, if the method of recapture was onerous, complex, and difficult of understanding the rights of the Government would be of little or no value, applicants for the property would be few and hesitating, and the disaster that would come to the public by reason of such a provision would be that the original lessee would continue to hold the property and in all probability refuse to submit to new conditions, and while the Congress would have intended to issue a lease, would have in fact and in reality issued a grant in perpetuity, a thing that this Congress does not desire and a thing that the American people will not in silence permit to be done.

SECTION 7.

This section contemplates the arising of a condition which would warrant the lessee in contracting for the supply of electrical energy beyond the term of his lease. In that event the section authorizes the Secretary of the Interior, if he deems it for the public interest, to give his approval of the execution of such contracts, and in the event such approval is given the Government of the United States or the original lessee's successor is required to fulfill the term of the contract which extends beyond the life of the original lease. There will be a difference of opinion about the advisability of this section. It was the thought of your committee, however, that instances might arise where it would be highly necessary and important that the original lessee have more or less freedom in bidding for contracts in order to meet competition, and in some cases it might be necessary to go beyond the life of the lease. It is thought that the necessity for this is brought about by the fact that much of the water power potentiality is already in the hands of private persons, who of course can contract for service for terms indefinite in character. To not give the Government lessees under this act a fair opportunity to compete with the already entrenched water-power companies might be a burden and handicap on our Government lessees greater than we should inflict and might serve as an aid to power companies already entrenched, who would delight to longer be without competition and without additional development of electricity. I repeat, there will be a difference of opinion about this section, but the more the committee thought about it and the more we studied the situation the more we were convinced that to give the Secretary this power was sure to result in good, and the committee was unanimously of the opinion that it should be done.

SECTION 8.

Section 8 authorizes the Secretary of the Interior to enter into contracts with the lessee and to specify in the lease such charge of rental for all power developed by the lessee for any purpose, as may be deemed appropriate in each individual case. The section further provides that the proceeds from such hydroelectric development shall be paid into the reclamation fund, and after it has been used by the fund for one term and returned to the reclamation fund, one-half of the moneys so returned shall be turned over to the States to be appropriated by the State legislature for the benefit of the public schools and other educational institutions or for public improvement, or for both, as the legislature may elect.

Under the reclamation act of 1902 all proceeds from the sale of Government lands go into the reclamation fund, and inasmuch as the development of the water power on nonnavigable streams on the public lands of the United States, it would seem that the returns should likewise go into the reclamation fund. Under the terms of the reclamation act the moneys so used for reclamation purposes in each instance become a lien upon the land and are later returned to the fund for disposition as Congress may provide. Hence, it is thought that until water power reaches a higher state of development and until more of the arid lands of the West have been irrigated, it would seem advisable to use the proceeds for the further irrigation and development of the West and treat it as a fund derived from the sale of the public lands.

The provision commencing in line 19, page 7, provides that where water power is generated by municipalities for municipal purposes only that such leases shall be executed by the Secretary of the Interior without rental or charge. It also provides that for development of not in excess of 25-horsepower, leases may be issued to individuals or associations for mining or domestic uses without charge. It will be observed that this is a relaxation of the act where States, counties, or municipalities elect to construct, own, and operate their own light or power plant. It will be observed that the use is restricted for municipal purposes only and without profit.

It will further be observed that the small projects of less than 25 horsepower are used by individual settlers for pumping water and other domestic uses and that it was thought that it was not advisable for the Government to try to collect revenue therefrom. Many such minor plants are now in operation, and it was the thought of your committee that they should not be molested and that additional enterprises small in character would be advisable and without objection.

SECTION 9.

Section 9 is thought to be a provision which will insure regulation of hydroelectric power development within a State where the State has refused or failed for any cause to provide for a public utilities commission which would have power to regulate rates, service, issuance of stock and bonds, and so forth, and until such time as the State creates such a commission the Secretary of the Interior would have power to regulate it. This is thought to be no invasion of State rights or no trampling upon the laws of the States, for if for any reason the regulation of an intrastate project by the Secretary of the Interior is offensive to them the matter could readily be obviated by the enactment of a law providing for a public utilities commission, and surely no one would advocate that where the State did not regulate that the Federal Government should likewise be precluded from regulation.

SECTION 10.

Section 10 authorizes the Secretary of the Interior to allow lands that have been heretofore reserved for water-power purposes to be used for other and additional purposes, subject always to the superior right of the Government or its assignees to develop hydroelectric power thereon. It will be observed that many water-power sites have been withdrawn over the country under the Pickett Act of June 25, 1910. In some instances large areas were withdrawn, portions of which in all probability will not be necessary. It was therefore thought the part of wisdom to authorize the Secretary of the Interior to allow these lands to be used for other purposes, always reserving to the Federal Government the right of overflow and always subordinate to the superior use of hydroelectric development, and for this reason the section was incorporated. The provision in section 10, in line 4, page 9, provides that where locations, entries, or selections are filed or have been allowed the land shall proceed to patent, subject to a limitation to be inserted in the patent which shall preserve to the Federal Government all rights for power purposes.

SECTION 11.

Section 11 authorizes the Secretary of the Interior to examine books and accounts of lessees, and to require them to submit statements, representations, or reports, including information as to cost of water rights, lands, easements, and other property acquired, production, use, distribution, and sale of energy, all of which statements, representations, or reports so required shall be upon oath and upon such blanks as the Secretary of the Interior may require. It provides further that any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury. It was the thought of your committee that as the Government was parting with this property for a long term of years that it ought to reserve to itself the right to know just what its lessees were doing with the property in each and every case, and it is thought that section 11 as written in the bill will accomplish that.

SECTION 12.

This section provides that whenever the terms of the lease are broken the lease may be canceled by a court of competent jurisdiction. There will be some difference of opinion as to whether the Secretary ought to have this summary power as distinguished from having it tried in a court, but the committee, after carefully considering it, was of the opinion that the lessee would have to incur such a large expense it was most too great a hazard to allow the lease to be canceled by the Secretary of the Interior. It was thought more advisable to have it adjudicated in a court of competent jurisdiction, and to do otherwise, it was thought, would frighten away development and be disastrous to the highest development of water power.

SECTION 13.

Section 13 authorizes the Secretary of the Interior to make such rules and regulations as are necessary to carry out the provisions of this act. This gives the Secretary full power to make appropriate rules and regulations applicable to the circumstances in each project. It was thought that market conditions and other conditions will make the several projects widely differ, and it was thought best to give the Secretary of the Interior full power to make rules and regulations applicable to

each individual case. It is apparently impossible and inadvisable to try to write into the statutes harsh general provisions which would be necessary in some instances and wholly inoperative and unworkable in others. The testimony of all the experts before the committee was to the effect that the greatest latitude should be given to the Secretary, so he can properly proceed in the widely differing cases.

SECTION 14.

Section 14 is a section disclaiming any intention on the part of the Federal Government to interfere with vested rights or the State laws with reference to water rights or the appropriate distribution of water used for irrigation or municipal purposes. It is thought that water-power development ordinarily will not in any way interfere with the rights of the States, but this disclaimer has put any doubts to rest that may have arisen in the premises.

SECTION 15.

Section 15 repeals acts in conflict with the legislation under consideration and excepts certain acts of Congress which it is not desired to repeal.

The proviso on page 11, beginning with line 3, shall not be construed as revoking or as affecting any permits or valid existing rights of way heretofore given or granted pursuant to law, but at the option of the permittee any permit heretofore given for the development, generation, transmission, or utilization of hydroelectric power may be surrendered and the permittee given a lease for the same premises under the provisions of this act.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to make the point that a quorum is not present.

The CHAIRMAN. The gentleman from Washington makes the point that there is not a quorum present. The Chair will count. [After counting.] Sixty-five gentlemen are present—not a quorum.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. FERRIS. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma demands a division.

The committee proceeded to divide.

Mr. FERRIS. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Oklahoma demands tellers.

Tellers were ordered, and the Chairman appointed Mr. FERRIS and Mr. JOHNSON of Washington to act as tellers.

The committee divided; and the tellers reported—ayes 5, noes 49.

The CHAIRMAN. The motion is rejected. A quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alken	Covington	Graham, Pa.	Langley
Ainey	Cramton	Green, Iowa	Lazaro
Allen	Crisp	Greene, Vt.	Lee, Ga.
Ansberry	Crosser	Griest	L'Engle
Anthony	Cullop	Griffin	Lenroot
Ashbrook	Dale	Gudger	Lewis, Pa.
Aswell	Davenport	Hamilton, Mich.	Lieb
Austin	Decker	Hamilton, N. Y.	Lindbergh
Baltz	Dershem	Hammond	Lindquist
Barchfeld	Dickinson	Hardwick	Lobeck
Bartlett	Dies	Hawley	Loft
Bathrick	Dooling	Hayes	McAndrews
Beall	Doremus	Heflin	McClellan
Bell, Ga.	Doughton	Henry	McGillcuddy
Borland	Driscoll	Hinds	McGuire, Okla.
Broussard	Dunn	Hinebaugh	McKellar
Brown, N. Y.	Dupré	Hobson	McKenzie
Brown, W. Va.	Elder	Howard	Madden
Browne, Wis.	Estopinal	Hoxworth	Mahan
Browning	Fairchild	Hughes, Ga.	Maher
Bruckner	Faison	Hughes, W. Va.	Manahan
Brumbaugh	Fess	Hullings	Martin
Buchanan, Ill.	Fields	Humphreys, Miss.	Merritt
Bulkley	Flood	Johnson, S. C.	Metz
Burke, Pa.	Fordney	Jones	Miller
Butler	Francis	Kelley, Mich.	Montague
Byrnes, S. C.	Frear	Kennedy, Conn.	Morgan, La.
Byrns, Tenn.	French	Kennedy, R. I.	Morin
Calder	Gard	Kent	Morrison
Callaway	Gardner	Key	Moss, Ind.
Cantrill	George	Kless	Mott
Carew	Gillett	Kindel	Murray, Okla.
Carlin	Glittins	Kitchin	Neeley, Kans.
Carr	Goeke	Knowland, J. R.	Neely, W. Va.
Casey	Goldfogle	Konop	Norton
Chandler	Gordon	Korbly	O'Brien
Clancy	Gorman	Kreider	O'Leary
Clark, Fla.	Goulden	Lafferty	O'Shaunessy
Copley	Graham, Ill.	Langham	Padgett

Paige, Mass.	Reed	Smith, Minn.	Vare
Palmer	Riordan	Smith, N. Y.	Vaughan
Parker	Roberts, Mass.	Stafford	Vollmer
Patton, Pa.	Rothermel	Steenerson	Walker
Peters, Me.	Rucker	Stephens, Miss.	Wallin
Peters, Mass.	Rupley	Stephens, Nebr.	Walsh
Peterson	Sabath	Stephens, Tex.	Walters
Phelan	Saunders	Stevens, N. H.	Watkins
Platt	Sells	Stringer	Weaver
Plumley	Sherley	Switzer	Webb
Porter	Shreve	Talcott, N. Y.	Whaley
Post	Slemp	Taylor, N. Y.	Whitacre
Pou	Small	Thompson, Okla.	White
Powers	Smith, Md.	Treadway	Willis
Prouty	Smith, Samuel W.	Tuttle	Winslow
Ragsdale		Underhill	Woodruff

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee finding itself without a quorum, he had directed the roll to be called, whereupon 213 Members answered to their names, and he reported the names of the absentees to be printed in the Journal and RECORD.

The SPEAKER. The committee will resume its session.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16673) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, with Mr. FITZGERALD in the chair.

Mr. FERRIS. Mr. Chairman, there are certain salient provisions that I think every adequate water-power bill should contain. I shall try to enumerate them:

First. No legislation, Executive order, or departmental ruling should permit the patenting or the title in fee to pass out of the Federal Government under any conditions. The fee title should be reserved in perpetuity to the United States.

Second. The dam sites should be leased for a period of time not longer than 50 years, without any entangling alliances or phrases difficult to understand, on which the courts might quibble or debate as to the relative rights of the Federal Government and the lessee after the term has expired.

Third. The recapture provision should provide that all non-perishable property, such as land, water rights, dam sites, good will, and so forth, should go back to the Federal Government at actual cost, and that all perishable property in connection with the plant should come back to the Federal Government at the end of the lease at its fair value. In both cases the interest of the public is conserved and made certain.

Fourth. Strong, clear, well-understood provisions should be inserted in the lease contract for the revocation of the permit for a violation of the conditions thereof.

Fifth. Provisions should be inserted in the lease requiring diligence and prompt construction of the plant so that the property may not be held for speculative purposes.

Sixth. A royalty or rental for the use of dam sites and the property of the Federal Government should be required in all cases except for municipalities, at least sufficient to cover the cost of administration.

Seventh. The Federal Government should at all times maintain its paramountcy and full control.

Eighth. Annual reports should be exacted from the power companies, so that the public might at all times know of their acts and doings.

Ninth. The Federal Government should reserve to itself full power to fix rates for service, capitalization, bond issues, etc., in interstate projects and where there is no public utilities commission for this purpose in intrastate projects.

Tenth. Each lease, permit or consent of Congress should contain a provision that upon proof that any such permittees, lessees, or grantees have conspired to prevent the development of water power or to limit the output of already constructed plants the lease should be revocable in a court of competent jurisdiction.

ESTIMATED POTENTIAL HORSEPOWER IN THE UNITED STATES.

The estimates for the developed and undeveloped potential horsepower of the United States range from 20,000,000 to 200,000,000 horsepower. A more conservative estimate ranges from 28,000,000 to 35,000,000 horsepower. Only 6,000,000 horsepower have been developed and are now in use. Estimated products for 1905 produced by hydroelectric power \$17,000,000,000, or seven times the total receipts of the railroads of the country.

LOCATION OF HYDROELECTRIC ENERGY BY GROUPS OF STATES.

North Atlantic group of States, 2,200,000 horsepower, or 7.9 per cent of the aggregate.

South Atlantic group of States, 2,300,000 horsepower, or 8.2 per cent of the aggregate.

North Central group of States, 1,700,000 horsepower, or 6 per cent of the aggregate.

South Central group of States, 1,500,000 horsepower, or 5.3 per cent of the aggregate.

Western group of States, 20,400,000 horsepower, or 72.6 per cent of the aggregate.

Mr. JOHNSON of Washington. Do those figures represent developed or undeveloped water power?

Mr. FERRIS. Both. It is the estimated potentiality.

Mr. JOHNSON of Washington. They represent water power in sight?

Mr. FERRIS. Yes; and of that amount 72.6 per cent is in the Western States.

Mr. JOHNSON of Washington. When the gentleman says Western States, what Western States does he mean—the 11 Western States?

Mr. FERRIS. The public-land States. Of course, some of the land or dam sites are in private ownership. I have not confined it to any certain number of States, but it is the western group of States. It is, of course, but an estimate, but it was carefully made by Mr. Merrill, of the department. His exact statement can be found in the House Public Lands Committee hearings at page 381. I will insert it here for the information of the House:

Various estimates have been made of the amount of developed and undeveloped water power in the United States, as you have heard in this hearing. The total has been variously stated by different estimators from 20,000,000 to 200,000,000 horsepower. Of course the 20,000,000 estimate was made by men who are very conservative, and the 200,000,000 by men who are very optimistic. My own judgment will agree closely with the figures given to you by Mr. Stillwell. He stated about 35,000,000. The figures which I had prepared for submission in this hearing total 28,000,000. Whether the total is that or some other figure depends upon whether you consider the power that could be developed at the present time in the present state of the industry, or whether you consider some problematical amount at some distant future under conditions that do not obtain at the present time.

The CHAIRMAN. Mr. Stillwell is an engineer of pretty wide experience?

Mr. MERRILL. Mr. Stillwell is, and I would say, parenthetically, that I would subscribe to 99 per cent of what he said.

The CHAIRMAN. He made a very good impression upon me.

Mr. MERRILL. Yes; he is an able engineer and has had a large experience.

The distribution which I have prepared upon the basis of 28,000,000 horsepower is approximately as follows:

The North Atlantic States, 2,200,000 horsepower, or 7.9 per cent of the total.

The South Atlantic States, 2,300,000 horsepower, or 8.2 per cent.

The North Central States, 1,700,000 horsepower, or 6 per cent.

The South Central States, 1,500,000 horsepower, or 5.3 per cent.

The Western States, 20,400,000 horsepower, or 72.6 per cent.

Whatever we may take as a total, whether it be the 28,000,000 or whether it be 200,000,000, the distribution will be closely in those percentages.

Mr. KENT. That includes the navigable waterways?

Mr. MERRILL. Yes.

Mr. TAYLOR of Colorado. Who made those estimates?

Mr. FERRIS. They were developed in the hearings, and they were made by the department's representative, who has given great attention to these water-power matters and who has charge of that service in the department.

Mr. TAYLOR of Colorado. The figures are not the result of a governmental official investigation, are they?

Mr. FERRIS. We have the figures from Mr. Merrill, of the Agricultural Department. So the figures are from the Government, and they are corroborated by the best engineers that can be had.

HISTORICAL DATA IN CONNECTION WITH WATER POWER.

The first hydroelectric plant established in the world, generating a single-phase current of 3,000 voltage, was at Ames, Colo., in 1890, but 24 years ago. The first act of Congress dealing with rights of way for hydroelectric energy was passed May 14, 1896, and the second act was on May 11, 1898; the third act was on February 15, 1901, and it is under this latter act that most of the development has taken place. It is commonly known as the revocable-permit act.

DIFFICULTY WITH EXISTING LAW AND NECESSITY FOR NEW LEGISLATION.

The first regulations on this subject were issued July 8, 1901, and were in fact but a mere notation on the record that the land had been segregated for water-power use. These first crude regulations soon ripened into good, careful, and painstaking ones, until to-day they have reached a marked degree of perfection, but the insecurity of the tenure, to wit, subject to be revoked at any moment by an executive officer without notice, has served as a scarecrow to capital, and it has been a stumblingblock in the administration of the law. Under the inadequate and inefficient laws relating to construction and development of water power, our great and unusual potentiality is not being conserved, but has been wasted and exploited. If these resources are to be developed, laws must be

passed that are reasonably certain and definite, and such as will cause capital to undertake the task. They must, likewise, of course, work hand in hand with conditions that will fully protect the public interest.

TWO KINDS OF WATER POWER.

First, water power developed on the navigable streams of the country, more or less interlinked with navigation.

Second, water power developed on the nonnavigable streams where the Federal Government owns the dam site or the public lands over which the rights of way must traverse. The Adamson bill had to do with the former; this bill has to do with the latter.

WATER POWER A PUBLIC UTILITY.

There was a time when water-power development was considered a local, private enterprise in which only the local community was interested and only the local community had to do with its regulation. This theory has long since been exploded, and it is now generally admitted to be a public utility by all who have had occasion to study the subject.

Water power was once considered a private snap, but it is now one of the greatest modern agencies used in the development of this country. It will be interesting to the House to know that the total output of products manufactured by water power in this country in a single year amounted to \$17,000,000,000. It will again be interesting to know that this is seven times more than the combined receipts of all the railroads of this country.

Mr. JOHNSON of Washington. When the gentleman states that sum as the aggregate, does he mean the net, or everything?

Mr. FERRIS. I mean the value of the product manufactured from hydroelectric power. I am fortunate in this instance to have at my command the statement of Mr. Louis B. Stillwell, of New York City, who is and has been for years one of the leading engineers on water power in the United States. He is and has been the leading man for Mr. Westinghouse, who has blazed the way. I will print his exact statement as it was made before the House Public Lands Committee:

Referring to the question asked Mr. Townly as to the productive power of horsepower under average conditions, I have no statistics here later than 1905, but I have some for that year, and according to these statistics, which were compiled from the industrial census taken in that year, for each horsepower used in the United States a product worth \$1.150 resulted. The wages paid averaged \$248 per horsepower. The figures were used by Mr. Putnam and myself in some work prepared for the first congress of the governors held here at the White House under Mr. Roosevelt. In that year the manufacturing of products amounted to \$1.152 for each horsepower installed, and the yearly wages of the men amounted to \$248 per horsepower. The value of the product manufactured was nearly \$17,000,000,000—seven times the total receipts of all the railroads.

So, it is evident at a glance from these figures that throughout the country in general the ratio of value of product per horsepower utilized in various States is surprising, and it is perfectly evident that no benefit can come to the public from the result of placing any tax on the development of water power. Even a slight acceleration of the rate of development of water power would be of great benefit to the people.

Mr. JOHNSON of Washington. Manufacturing plants and everything else.

Mr. FERRIS. Yes; it amounts to \$17,000,000,000, or seven times the total receipts of all the railroads in the country.

Mr. JOHNSON of Washington. How much of that is in the 72 per cent out west?

Mr. FERRIS. I assume that it is in proportion, although I can only furnish the gentleman the statement above given.

Mr. JOHNSON of Washington. Do you think 72 per cent of the manufactures resulting from water power or anything else are in the Western States?

Mr. FERRIS. I do not think so; but if the gentleman will pardon me, I believe that if an adequate, efficient, modern, up-to-date, careful, painstaking water-power policy is adopted, the gentleman's State and the West generally will borrow from the East much of its manufacturing, and I believe it will make the gentleman's State and the gentleman's counties and the gentleman's cities thrive like a weed in a fallow soil. I think there is no doubt about it. Cheap power is such a potent factor in the development of a new country that the good that will or could flow from it can scarcely be realized.

Mr. JOHNSON of Washington. If this bill is intended to control the 72 per cent of water power which is in the 11 far Western States, is it not advisable that at least 100 Members of the House attend the discussion of the bill all the way through, inasmuch as the public domain belongs to all the people and now costs the people more than it is probably worth to them?

Mr. FERRIS. I agree with my friend heartily about the importance of this legislation. I do not agree that it costs them more than it is worth. I fear the argument of the gentleman would lead us to a "blessed be nothing" theory that would have but few followers. I want to present the views of the committee, and I shall try to represent them fairly.

I want them to go into the RECORD, so that at least the views of the committee may be fairly well before the House. I know how difficult it is for the Members to stay here, so I hope the gentleman will allow me to conclude, because my remarks will go into the RECORD, and those who are interested in the subject will study them. Of course, those who are not interested will not do so. It is also true that Members have duties more than they can carry and it is difficult for them to sit here through general debates. It is no discourtesy to me at all. I often absent myself with committee work and other duties when I am not conversant with matters being considered. I rather take the small attendance as a compliment to the committee. It shows their full trust in the Public Lands Committee.

Of course, it is true that while this is a dry subject it is so important to the entire country it ought to command their attention. It is the largest question before the American people to-day. I am happy the House is willing to trust us with so important a matter.

Mr. BRYAN. Will the gentleman yield for a question?

Mr. FERRIS. Yes.

Mr. BRYAN. In the gentleman's estimate of \$17,000,000,000 as the total output of water power does he include the traffic, or the power that is used in moving cars and moving different forms of traffic over the country, or does he include simply manufacturing?

Mr. FERRIS. I assume that it includes all of the product sold, whether it be for carrying, lighting, manufacturing, or whatnot. Those figures came from Mr. Westinghouse's top-notch engineer, and even those figures were compiled back in 1905, for the conference of governors that was held at the White House in that year. Those figures were compiled by the best talent and the best engineers of the country at that time. I have no doubt if the figures were now compiled they would be greatly in excess of \$17,000,000,000. I have not the items, but I assume that estimate includes every product that comes from the use of hydroelectric power. I have supplied the statement in toto so the House can analyze it. It was made in the presence of a horde of engineers, financiers, and department officers, and was concurred in by them. It is the largest unsolved question to-day.

I hope I display not too much egotism in asking Members interested in water power to consult the hearings held before our committee. I believe they contain almost the last word, at least so far as the development of water power has gone. We had before us the best engineers of this country. We had before us Hon. Franklin K. Lane, a student and a patriot on this subject. We had likewise before us ex-Secretary Fisher, who is a well-known authority on the subject. Also ex-Forester Gifford Pinchot, who is and has been thinking faster than the time in which he lives. He has been quite a pathfinder on this most interesting subject; Dr. George Otis Smith, head of the Geological Survey, a thorough-going, patriotic man; and Mr. Merrill, a brilliant student of the subject, from the Agricultural Department. I think it is not too much to say the hearings had before us, taken altogether is, considering the present state of power development, the last word on the subject. If those interested in the subject will read from page 381 to page 385 of the hearings they will be amazed at the concentration of capital in water power that has already taken place.

It is as near frenzied finance as can be described. No one would believe such concentration could take place in so short a time. I repeat, water-power development began in 1890, just 24 years ago. It is fairly in its swaddling clothes.

CONCENTRATION OF CAPITAL IN ELECTRIC DEVELOPMENT.

The Public Lands Committee hearings, on pages 381 to 385, disclose that abnormal, unusual, and almost inexplicable concentration has been going on in the water power of this country. It discloses that 90 per cent of the developed water power is now in the hands of 27 holding companies and 24 operating companies, so interlinked and intertwined with interlocked directorates that it is impossible to separate their interests or to fathom their power. The total amount of securities held by these 27 companies is \$275,000,000. The names of these companies and much information about them appears from pages 656 to 671, inclusive. I do not call attention to this abnormal concentration of capital to startle or amaze, but it is a question worthy of comment, and worthy of intelligent thought. It shows that although this Congress may have slumbered in taking steps to provide for the development of water power, that capital and the water-power monopoly has not slept, but has been active, vigilant, and effective in gaining control thereof.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes; gladly.

Mr. JOHNSON of Washington. Does that apply to the public domain?

Mr. FERRIS. It applies to all—the public domain and the dam sites held in private.

Mr. JOHNSON of Washington. Anything in the public domain can be revoked by order.

Mr. FERRIS. Yes; but it is likewise true that much of it has already gone into private ownership. It left us while we were still unaware. Some of the best dam sites were frittered away before anyone knew of their great value. It is our duty to save what is left.

Mr. JOHNSON of Washington. Yes; and numerous projects have failed.

Mr. FERRIS. Yes; that is true; some from overcapitalization and some have not been able to get capital at all. It is not the duty of this House to become fanatical in any legislation that we may enact. It is also quite true that we should not let the present monopoly go on and charge exorbitant rates while our Government dam sites are withdrawn, unused, undeveloped, and in idleness. For myself I want to develop them. Much has been said that those who felt interested in the public interests were cold-storage advocates, but it is not the truth. They are the real developers, the real progressives, for to let these sites be given away in perpetuity would but give the water-power monopoly a chance to hold for speculation and to head off competition while they practice extortion on the public.

There is a solution to this problem. It can be solved. It must be solved. These assets must be used, must be developed, but they must not be given away to the few to the exclusion of the many.

Mr. LEVY. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes; willingly.

Mr. LEVY. I want to ask the gentleman if he has investigated the fact of whether we can secure any capital to build under the 50-year proviso?

Mr. FERRIS. We had numerous bankers and engineers before us who presented their views.

Mr. LEVY. Is it not the old feudal English system of leasing?

Mr. FERRIS. No; this is in keeping with the water-power development policy of most of the enlightened countries of the world. No country in the world wants to give away its water power without price or without regulation. I feel sure the gentleman does not desire to do so either.

Mr. LEVY. Is it fair, then, that at the end of 50 years you shall take this property and make no return?

Mr. FERRIS. Oh, the gentleman is mistaken; we pay them for it.

Mr. LEVY. But that is no protection.

Mr. FERRIS. Oh, yes; at the expiration of the term the Government may do three distinct things as provided in section 6 of the bill: First, the Government may take it, or, second, lease it to another party; third, it may be re-leased to the original lessee, and in either event the actual cost to be paid for the nonperishable property and the fair value for the perishable property. This is fair; this is clear; this is justice; this will not retard development; this will not give or fritter the property away.

Mr. LEVY. Would it not be fair to leave it to arbitration?

Mr. FERRIS. There are those gentlemen who advocate that, but we leave it to the courts. The court determines what shall be a fair value. Surely the gentleman will not shrink from the courts. They are the final arbiters for all of us.

Mr. LEVY. Do you leave it to the courts?

Mr. FERRIS. We do. In the case of a dispute they go into the court and the court adjudicates what the rights of the parties are. It is, of course, quite true that this bill does not contain all of the provisions that the water-power people want. I think this House would have torn to pieces and thrown out of the window a bill which permitted the water-power people to put in all of the provisions they wanted. Some of them wanted it in perpetuity and wanted it without cost. Is there any member of any political party here who would give away a natural resource in this country that can produce \$17,000,000 in a single year? Is there anyone here who thinks the water power should be given away without cost, without regulation, and without return to the rest of us? I think not. Surely there can be but one opinion on that.

It may not be out of place to show how nonpolitical this water-power question really is. It is not a question for my side of the House to solve, it is not a question for the Republican side of the House to solve, or for the Progressive Party to solve, but it is a question for all of the people to solve. I shall now strive to show you why I make that statement.

THE THREE GREAT POLITICAL PARTIES ALL DECLARE FOR CONSERVATION.

The Democratic platform says:

We believe in the conservation and the development, for the use of all the people, of the natural resources of the country * * *. Such additional legislation as may be necessary to prevent their being wasted or absorbed by special or privileged interests should be enacted and the policy of their conservation should be rigidly adhered to * * *.

The Republican platform says:

We rejoice in the success of the distinctive Republican policy of the conservation of our natural resources, for their use by the people without waste and without monopoly. We pledge ourselves to a continuance of that policy.

The Progressive platform says:

We heartily favor the policy of conservation * * *. The natural resources of the Nation must be promptly developed and generously used to supply the people's needs, but we can not safely allow them to be wasted, exploited, monopolized, or controlled against the general good * * *. Natural resources whose conservation is necessary for the national welfare should be owned or controlled by the Nation.

On this question of conservation I think I owe it to the Progressive Party to say that the Progressive platform has the best platform of the three political parties.

Mr. JOHNSON of Washington. Mr. Chairman, I must insist on the presence of a quorum, in view of the importance of this question, and I make the point of order that there is no quorum present.

Mr. BRYAN. Oh, I make the point of order that that is dilatory. The gentleman just made it a while ago. We do not want to filibuster on this bill that is worth so much to us out in the West. This is no time to filibuster.

The CHAIRMAN. The gentleman from Washington makes the point of order that there is no quorum present. The Chair will count.

Mr. JOHNSON of Washington (during the counting). Mr. Chairman, I withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Washington withdraws the point of no quorum.

Mr. FERRIS. Mr. Chairman, water power produced from falling water is, to my mind, our greatest natural resource. Unlike coal, oil, gas, wood, and other fuels, it is not consumed by use. It is a subject not too small for our best minds to deal with. It is a subject sufficiently intricate to demand our best attention. Constitutional lawyers and theorists have in the past differed about it and upon it, but the people of the country have been interested in only three things: First, good service; second, what should be paid for that service; and third, what is to be done with the money derived from that service. Up to this time no adequate, well-defined water-power policy has been brought forward and installed. A great and pressing demand for a solution has been present in the country for the last decade. It has been postponed already too long; this Congress should act.

To me, as I scan the growth of electrical energy and the various and multiplying uses of the product, no question coming before Congress has so much reason to expect that our attention will be riveted upon it. The stability of water power and the perpetuity of its blessings and beneficent influences can now be but partially fathomed or understood; we can but await in amazement for it to outstrip our expectations and fondest hopes. Every line that is incorporated in this bill should be analyzed, scanned, and understood by every Member of this House. What we do here is not for a single year, but for a term of 50 years. It is thought necessary to scan carefully the appropriation bills which are but for a single year. This legislation should be scanned 50 times as closely as an annual appropriation bill, due to the tenure of the law. If we make a mistake in an annual appropriation bill it is a mistake for a single year, but if we make a mistake in our water-power policy it is a mistake for 50 years. Hence, though our constituents might through generosity condone our error on an appropriation for a single year, it will require 50 times that generosity to excuse us for an error we make in our water-power policy, which extends for 50 years. The subject is of high importance; the necessity for action is great; further delays are so harmful that I urge with such earnestness as I have at my command that Congress now take up this task and deal with it carefully, painstakingly, effectively, and correctly. [Applause.]

Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the Record.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Oklahoma has the floor, and the gentleman from Connecticut can not take him off the floor to make a parliamentary inquiry.

Mr. DONOVAN. But the gentleman made a motion to extend his remarks, and the rule provides for that—for five legislative days.

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry, and is not in order.

Mr. J. M. C. SMITH. Mr. Chairman, will the gentleman from Oklahoma yield?

Mr. FERRIS. Certainly.

Mr. J. M. C. SMITH. Mr. Chairman, I am very much interested in the value of the product that is manufactured by water power, and I would like to inquire whether the value of the product is represented by the material and the labor and by the energy created by the water?

Mr. FERRIS. That is true. The combination of those things the gentleman mentions creates the power.

Mr. J. M. C. SMITH. Can the gentleman tell how much of those seventeen billion dollars is represented by material and also how much is represented by labor that is used in connection with it?

Mr. FERRIS. I regret that I do not have those figures at my command, although I think they are in the hearings.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield for a question?

Mr. FERRIS. Yes; with pleasure.

Mr. BURKE of South Dakota. Mr. Chairman, the gentleman has indicated by his discussion upon this subject that he has given it a good deal of consideration. Can he inform us how much force will probably be added to the present Government force that we have if this law is put into operation?

Mr. FERRIS. I am very happy the gentleman asked that, because I submit the House would certainly like to know in reference to that matter, and I want to state to the gentleman that in the Interior Department and in the Agriculture Department there is a well-organized, well-defined force that is now carrying forward this work, and they say they can carry it forward under this law without additional agents and additional expense. The gentleman will recall that there is now the act of 1901, known as the revocable permit act, under which these grants of water power came in. They tell us that no additional increase will be required and none is asked. This is not a scheme to create jobs. It is some necessary legislation that will enable the present force to open the West.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield for a question?

Mr. FERRIS. Certainly.

Mr. HAMLIN. I am very much interested in the gentleman's statement on this question, and he, I think, has given a very clear, cogent statement, but I think that what gentlemen will be interested in knowing will be the cost to the consumer after the energy is developed. Is there anything in the bill that will safeguard the cost to the consumer after these permits are granted to these companies?

Mr. FERRIS. Yes; the Secretary of the Interior is given power to look after that. They are required to render an annual accounting of what they are doing with the power, and he has the right to revise and fix those rates.

Mr. HAMLIN. He has the right to fix the rates to be charged the consumer.

Mr. FERRIS. And in addition to that, the local utility commissions also.

Mr. HAMLIN. That is true.

Mr. FERRIS. So, if the gentleman will allow me further, the passage of this bill or some similar ones that will develop additional water power is sure to put new and additional powers in competition with the present entrenched water-power companies that will bring reduced rates on power to the consumers, the very thing the gentleman desires. As the matter now stands, a large part of the water power of the country is now held up by withdrawals awaiting the time when Congress shall step in and put some law on the statute books that will work out this proposition. The Agriculture Department and the Interior Department say the existing law is very ineffective and inadequate. Almost a dead standstill in development on Government dam sites is due to the revocable-permit law. The insecurity of tenure is the difficulty. Both the Agriculture Department and the Interior Department came before us and plead for a new law that would accomplish development, the thing desired everywhere. There is no difference of opinion about the necessity of legislation. Every one advocates it, and there is not as much real disagreement about it as might be

expected. Of course, the power companies want all they can get. It is our duty to see to it that they do not get it all.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I yield with pleasure.

Mr. FOWLER. The gentleman has undoubtedly given a great deal of time and study to this measure, and I would like to know if he has arrived at any conclusion as to what per cent of the profits the Secretary may impose as a cost for this water power?

Mr. FERRIS. It is very proper the gentleman should ask me that question, and it is very proper for me to try to answer it. The gentleman knows that is quite a difficult question.

Mr. FOWLER. It is.

Mr. FERRIS. To lay down any fixed proposition, especially in dealing with these widely differing cases, is difficult. For example, small projects sufficient to pump water to irrigate a garden, and a project here that is to irrigate small inaccessible areas in the West and to light small towns and cities of the West, in such cases the charge should be nominal, or at best only enough to pay for administration. On the other hand, where a well-entrenched, profit-making concern, the rule as to rents, royalties, and so forth, would be altogether different. At the present state of development it is almost impossible to lay down a hard-and-fast rule. Secretary Lane, Secretary Fisher, and the engineers thought best to let the Secretary of the Interior have some latitude, so that on the little projects calling for 25 or 50 horsepower to irrigate a garden or field it should be on the basis of a nominal price in reference to royalty, and, on the other hand, when it was a great, strong, well-conceived, well-organized, money-making concern, why, we should deal with that justly, but in an entirely different way. Taking the views of these well-known authorities and others who appeared before us, it was considered by the committee wise for the present to leave it to the Secretary of the Interior to work out, until such time as Congress might have sufficient information before it to step in and fix a rate on which it could and would stand.

Mr. FOWLER. The gentleman's bill does not prevent Congress in the future from exercising that right?

Mr. FERRIS. Not at all. It invites it.

Mr. JOHNSON of Washington. Would not the rate of interest that will have to be paid for capital to go in and develop the 72 per cent of the Nation's water power which lies in the far West have to be considered?

Mr. FERRIS. It is true, those things, the market conditions, and so forth, all have a great deal to do with the rate that should be charged. It is almost impossible to lay down a hard and fast rule as to what would be a just rate in all cases. I think it would be extremely unwise to attempt to write into the law a fixed and arbitrary rate. It would be unworkable and abortive of the ends desired. In some cases inferior, inaccessible areas of sage-brush land, which without water is totally worthless, by pumping water from wells by cheap power from hydroelectric energy these worthless tracts of land can be converted into fertile alfalfa fields, 10 acres of which will support a family. In this case no one would advocate that the chief aim of the law should be the rate or amount of rental that could be secured to the Government. It would be more of a question of how much of the cheap power could be utilized to produce foodstuff to feed the world. The question of rental during the present state of development of water power is not the paramount issue. I want the principle preserved inviolate of our right to do so, but the fixing of an exact rate in the law to govern in all cases is not, I think, the large question here at all.

Mr. FOWLER. In your opinion where there is 500 horsepower generated, and where there is a sale for the whole of it, what do you think ought to be a reasonable charge, or that the beneficiary of the franchise could afford to pay?

Mr. FERRIS. I am very glad indeed to give the gentleman my opinion, but I would not ask that my opinion govern; others will differ with me. What should be charged depends on market conditions, expense of operation, feasibility of the dam site, storage, and so many things my opinion would be worth but little. I think the royalty, the rental, or the charge should sooner or later be based upon the earning power of the concern.

Mr. FOWLER. I think so, too.

Mr. FERRIS. Let me say to the gentleman that with only 6,000,000 horsepower now in use, which is only a small per cent of the total potentiality of the horsepower in this country, it would seem appropriate to me that for the first few years the charge be light so that the greatest possible development would get into motion. At all times retaining our full right to charge, so that when we shall finally come to lay down an adequate policy, as we are certain soon to do, we can then deal with it in the last detail.

The time will soon come when the country will fully appreciate Secretary Lane, who has taken the lead in pressing this conservation program to action. His tireless and effective work will open the West. The previous administrations withdrew the West, awaiting its intelligent opening and development. Secretary Lane is taking up the work left for him to do in a clear-headed, masterly way.

I repeat both East and West will live to bless him for putting in motion that program of conservation which is more far-reaching for good than we can now fathom or understand.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to make the point of no quorum.

Mr. BRYAN. Mr. Chairman, a parliamentary inquiry. Is it not a fact—

Mr. JOHNSON of Washington. I make the point of no quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Washington makes the point that there is no quorum present.

Mr. BRYAN. I make the point that the motion is dilatory. It has come repeatedly from the gentleman.

The CHAIRMAN. The Chair overrules the point of order made by the gentleman from Washington [Mr. BRYAN]. The Chair will count. [After counting.] Fifty-two Members are present, not a quorum.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. GARRETT of Tennessee and Mr. HAMLIN demanded a division.

The committee divided; and there were—yeas 39, yeas 8.

Mr. FERRIS. Tellers, Mr. Chairman.

Tellers were ordered, and Mr. FERRIS and Mr. JOHNSON of Washington took their places as tellers.

The committee again divided; and the tellers reported—yeas 16, yeas 30.

So the committee refused to rise.

The CHAIRMAN. There is not a quorum present, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Aiken	Dunn	Kindel	Porter
Alney	Dupré	Kitchin	Post
Allen	Edmonds	Knowland, J. R.	Pou
Anthony	Elder	Konop	Powers
Ashbrook	Estopinal	Korby	Prouty
Aswell	Fairchild	Kreider	Ragsdale
Austin	Faison	Lafferty	Rainey
Barchfeld	Fess	Langham	Reed
Bartholdt	Fields	Langley	Riordan
Bartlett	Flood, Va.	Lazaro	Roberts, Mass.
Bathrick	Fordney	Lee, Ga.	Rucker
Beall, Tex.	Francis	L'Engle	Rupley
Bell, Ga.	Frear	Lenroot	Sabath
Borland	Gallivan	Lever	Saunders
Brockson	Gard	Lewis, Pa.	Sells
Broussard	Gardner	Lindbergh	Sherley
Brown, N. Y.	George	Lindquist	Shreve
Brown, W. Va.	Gillett	Loft	Sims
Browne, Wis.	Gocke	McAndrews	Sinnott
Browning	Goldfogle	McClellan	Slemp
Bruckner	Gordon	McCoy	Sloan
Brumbaugh	Gorman	McGillcuddy	Small
Buchanan, Ill.	Goulden	McGuire, Okla.	Smith, Md.
Bulkey	Graham, Ill.	McKenzie	Smith, Minn.
Burke, Pa.	Graham, Pa.	Madden	Smith, N. Y.
Burke, Wis.	Green, Ia.	Mahan	Stanley
Butler	Greene, Mass.	Maher	Steenson
Byrns, Tenn.	Gregg	Manahan	Stephens, Miss.
Calder	Griest	Martin	Stephens, Nebr.
Callaway	Griffin	Merritt	Stephens, Tex.
Cantrill	Gudger	Metz	Stevens, N. H.
Carew	Hamilton, Mich.	Montague	Stringer
Carlin	Hamilton, N. Y.	Morgan, La.	Switzer
Carr	Hardwick	Morin	Talbott, Md.
Carter	Hawley	Moss, Ind.	Talcott, N. Y.
Casey	Hayes	Moss, W. Va.	Taylor, Ala.
Chandler, N. Y.	Healin	Mott	Taylor, N. Y.
Clancy	Helvering	Murray, Okla.	Thompson, Okla.
Clark, Fla.	Henry	Neeley, Kans.	Trendway
Claypool	Hinds	Neely, W. Va.	Underhill
Collier	Hinsbaugh	Nelson	Vare
Copley	Hobson	O'Brien	Vaughan
Covington	Houston	O'Hair	Vollmer
Crisp	Hoxworth	O'Leary	Walker
Crosser	Hughes, Ga.	O'Shaunessy	Wallin
Dale	Hughes, W. Va.	Padgett	Walsh
Danforth	Humphreys, Miss.	Paige, Mass.	Walters
Davenport	Johnson, S. C.	Palmer	Watkins
Decker	Johnson, Utah.	Parker	Weaver
Dershem	Jones	Patton, Pa.	Whaley
Dickinson	Kelley, Mich.	Peters, Me.	Whitacre
Dies	Kennedy, Conn.	Peters, Mass.	White
Dooling	Kennedy, R. I.	Peterson	Willis
Doremus	Kent	Phelan	Winslow
Doughton	Key, Ohio	Platt	Woodruff
Driscoll	Kies, Pa.	Plumley	Woods

The committee rose; and Mr. SLAYDEN, having assumed the chair as Speaker pro tempore, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 16673) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, and finding itself without a quorum, he had caused the roll to be called, whereupon 203 Members—a quorum—had answered to their names, and he presented therewith a list of the absentees.

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee having had under consideration the bill H. R. 16673, and finding itself without a quorum, he had caused the roll to be called, whereupon 203 Members—a quorum—responded to their names. The names of the absentees will be entered on the Journal. The committee will resume its session.

The committee resumed its session.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] has used 55 minutes.

Mr. FERRIS. Mr. Chairman, will the gentleman from Idaho [Mr. FRENCH] use some of his time?

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] is recognized for two hours.

Mr. FRENCH. Mr. Chairman, I yield 40 minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for 40 minutes.

Mr. MONDELL. Mr. Chairman, in arising to announce my opposition to the form and many of the features of the so-called water-power bill I desire to emphasize the fact that I would greatly prefer, if my obligations to the people I represent permitted, to give my approval to the measure as presented by the Committee on the Public Lands. As gentlemen know, I served on that committee for many years, was for a time its chairman, and have the highest regard for and sustain the most friendly personal relations with the members of that committee without regard to party. I realize the careful consideration which the members of the committee have given to this matter and the earnestness of their desire to preserve the public interest in connection with the legislation; therefore my natural inclination is to give the benefit of the doubt to the provisions of a measure to which a majority of the committee has given its assent. I can not do so, however, in this case and perform my duty as I see it to my own constituents and to the people of the Western States generally, who are affected by the measure.

HOW WE LEGISLATE.

I think it may perhaps serve a useful purpose in this connection to call attention to the fact—at least to express the opinion—that Congress and its committees have adopted a policy or fallen into a habit, whichever it may be considered, in the consideration of legislative questions which is not conducive to good legislation, and which to a very considerable and dangerous extent handicaps committees and their members in the consideration and reporting of legislative propositions. I refer to the practice of having bills drafted in the executive departments and discussed and considered to a greater or less extent under the advice and guidance of administrative officers of the Government. That practice has grown tremendously in the last few years and has been particularly noticeable in this Congress. After more or less consultation, more often less than more, with Members interested in legislation or responsible for its enactment, the department draws a bill. It naturally reflects very largely the view of department officials. When the time comes for consideration of the measure in the committee, the hearings are attended, generally on invitation, by departmental heads, bureau chiefs, and clerks, and their views are heard at length; oftentimes at such length that the committee more or less wearies of its hearings by the time the departmental view is fully stated, and pressure for time and desire to complete consideration frequently prevents the hearing of others. During the detailed consideration of the bill by sections, bureau officials stand ready to confer, to offer suggestions when requested, and thus guide the deliberations of the committee along the lines of their views.

Now, all this may be very proper and helpful, within reasonable limitations. I have no desire whatever to minimize the value of the advice of men who have studied subjects from an administrative standpoint. They can render a valuable service in giving legislators the benefit of their experience in administration. But these practices, carried to the extent that they frequently are, are neither in harmony with the spirit of our

institutions nor conducive to that untrammelled initiative and full and free consideration of measures which is essential to good legislation and to the complete separation of legislative and administrative functions. It results in legislation reflecting far more, both in its plan and detail, the opinions of a Government bureau than the collective view of Congress or its committees. Once give a legislative program a certain slant through the introduction of a bill, and follow that up with a continued nursing during the period of consideration by those who approve that slant, and it is almost impossible for even a majority of a committee to mold the legislation to their complete liking. The most that can be done, unless there is a majority entirely hostile to the whole tenor of the legislation, is to somewhat modify and amend it, so that while it may be less objectionable than originally, it will still fail to adequately express the views of a majority of the committee which reports it. These general observations apply to a greater or less extent to this legislation and to some of the bills that are to follow, notably the coal and oil leasing bill.

SCOPE OF THE BILL.

Mr. Chairman, a few days ago the House concluded the consideration of a bill intended by its author to promote and encourage the development of hydroelectric energy on navigable streams. We have before us now for consideration a bill which purports to encourage the development of water powers on the public lands from the waters of nonnavigable streams. The former bill applies to all the country wide wherever navigable waters flow. The bill before us applies to the public-land States, and in the public-land States I understand was intended to be confined to the nonnavigable streams. There is some doubt whether its provisions so limit it. Legislation relative to such water-power development is needed. We have two general right-of-way acts. The act of March 3, 1891, relates primarily to rights of way for irrigation, and by an amendment of that act, passed in May, 1898, it is possible to develop water powers subsidiary to the main purpose of irrigation. We have also the general right-of-way act of February 15, 1901, which is the act under which most of the water-power development on public lands is had in the public-land States.

That act is a general statute which has worked well, except for one fatal limitation contained in it. Under that act the Secretary of the Interior is authorized to revoke permits at any time. I think that at the time that act was passed it was not the thought of anyone who voted for it that any right granted under it would be revoked except for some violation of the direct or implied terms of the permit. But some years ago an outgoing Secretary of the Interior did revoke quite a number of important permits issued under that act, reminding all those who might seek rights of way under that act of the fact that their permits were revokable and might be revoked without any reason being given for the revocation.

And so it seems to be necessary to have some legislation whereby we may secure rights of way over public lands in the West for the development of water power. All that is asked of the Federal Government is to give those who seek to develop water power in the public-land States an opportunity to use the public lands for that entirely legitimate and useful purpose.

WATER RIGHTS UNDER STATE CONTROL.

Let us not forget that the primary and essential right upon which any enterprise of this character is based in the public-land States is a right received from the people of the State and not from the Federal Government. The people of the Commonwealths of the West are the owners and proprietors of all the waters within their borders, and the only right that any individual can have or secure, at least in the majority of the public-land States, is the right to use the water at a certain designated place for a specific and useful purpose; and the right continues so long as at that place for that purpose those waters are beneficially applied. The Federal Government can give no grant of right to build power plants on public lands in the Western States that will carry with it any right to divert a drop of water or to use a drop of water for the turning of any wheel or turbine. That right, under the laws of the States, recognized by the Federal Constitution and the courts, must be secured from the people through the authorities they have provided in the States. That right in all of the States is perpetual, so long as the water shall be used at that place for that beneficial purpose.

AN EXCISE TAX.

The bill before us seems to be based on the theory that in some way or other the Federal Government, as the proprietor of lands, may lay an excise tax upon the use of the water which

the people of the States own. It seems to be based on the theory that the Federal Government can establish an excise tax, not uniform over all of the States, not uniform in the States to which it applies, but applied to certain specific enterprises, by reason of the fact that they are partly or wholly located on the public land. It seems to be assumed that the Federal Government has this right, whether the public land used be one acre out of ten thousand utilized for the enterprise; whether that one acre shall be essential to the development of the water power, or simply needed for a right of way to carry a pole line to some point of distribution.

It is proposed in this legislation that the Federal power shall extend, in the matter of fixing an excise tax, to all enterprises, near or remote, important or unimportant, material or immaterial, that are connected with the project. Over all of these it is proposed that the vast, unregulated, unlimited power of the Secretary of the Interior shall extend. The people whose product, water, is the prime necessity for the undertaking, the people who are to be served, the people who are to pay the bills, are to have no say about it from the beginning to the end. A member of the President's Cabinet, the Secretary of the Interior, is to have full and complete control in every matter of charge and requirement relative to all the enterprises that may find it necessary to use any of the public lands.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I will.

Mr. BURKE of South Dakota. Will the gentleman state whether or not, or to what extent, this law differs from the existing law, with reference to recognizing the right of the Federal Government to control the water in the nonnavigable streams upon the public domain? Does this go any further in that particular than the existing law?

Mr. MONDELL. Well, that is somewhat a question of opinion, as the gentleman from South Dakota knows. The present right-of-way acts do not pretend, and can not in their operation, in any wise affect the right of the States to control the use of water.

They are simply acts granting a right to use a certain portion of the public domain for a certain purpose; and while the Secretary of Agriculture under one of those acts has assumed the right to make certain charges, and under coercion some have agreed to such charges, the fact is there is nothing in the law that in any wise conflicts or comes in contact with the right of a State to say who shall use the water and how it shall be used. There is in this act a section—section 14—which was evidently intended to negative the clear intent of the balance of the act by the adoption of a self-denying ordinance to the effect—

That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired thereunder.

It is somewhat similar to the provision contained in the reclamation law, but that provision is all-sufficient as it stands in the reclamation law, for there is nothing in that law that need raise the question of the right of the State to control the use of water. Section 8 of that statute is simply a recital of what is the law and recognizes the conditions under which the Secretary of the Interior is to proceed to the development of his enterprises.

Mr. TAYLOR of Colorado. Does not the gentleman think that section is exceedingly important to the West to remain in the bill?

Mr. MONDELL. I agree with my friend from Colorado, who, with other western Members, was instrumental in having this section placed in the bill, that it is not only exceedingly important that it remain in the bill, but that it is even more important that other provisions of the bill in conflict with it should go out. It would also be well if this provision of the bill could be so broadened as to clearly express the fact that nothing contained in this legislation should, and nothing contained in it can, in fact, interfere with the right of a State to regulate the use of nonnavigable water for all purposes within its boundaries.

Mr. TAYLOR of Colorado. I may say that the thought before the committee was that language which we put in the Hetch Hetchy bill—and I think I may claim the credit for inserting it in both of the bills—was for the express protection of the States; and inasmuch as it went as far and in language substantially the same as section 8 of the reclamation law, we thought that the courts would construe that it was the intention of Congress to protect our rights.

Mr. MONDELL. I think the gentleman of the West did right in inserting this section in the bill. I think it should be

still broader, in view of the fact that so many things the act proposes amount seemingly to a control of the waters of the States.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. I desire to make the point that there is no quorum present.

Mr. BRYAN. I make the point of order that that is dilatory.

Mr. FERRIS. Does the gentleman insist upon his point of order? I hope he will let the gentleman from Wyoming [Mr. MONDELL] conclude his speech.

Mr. JOHNSON of Washington. I insist on the point of no quorum.

Mr. FERRIS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. UNDERWOOD having taken the chair as Speaker pro tempore, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16673) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, and had come to no resolution thereon.

LEAVE TO EXTEND REMARKS.

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by introducing some statistics supplementary to others that are already in—

Mr. FITZGERALD. On what subject?

Mr. SLOAN. On the subject of agricultural imports.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until Wednesday, August 12, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Commissioners of the District of Columbia, transmitting, pursuant to law, a report of the official proceedings of the Public Utilities Commission of the District of Columbia for the 10 months ending December 31, 1913, was taken from the Speaker's table and referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assiniboine Military Reservation and open the same to settlement, reported the same without amendment, accompanied by a report (No. 1079), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BYRNES of South Carolina: A bill (H. R. 18308) to amend "An act to amend section 27 of an act approved December 23, 1913, and known as the Federal reserve act," approved August 4, 1914; to the Committee on Banking and Currency.

By Mr. McKELLAR: A bill (H. R. 18309) to amend an act providing for the establishment of Federal reserve banks, and for other purposes approved December 23, 1913; to the Committee on Banking and Currency.

By Mr. LONERGAN: A bill (H. R. 18310) to acquire a site for a public building at Hartford, Conn.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Colorado: A bill (H. R. 18311) for the relief of homestead entrymen under the reclamation projects of the United States; to the Committee on the Public Lands.

By Mr. BOWDLE: A bill (H. R. 18312) authorizing the Secretary of the Treasury to contract for the building of, or to purchase merchant vessels, designed primarily for the South American trade, and providing for their operation; to the Committee on the Merchant Marine and Fisheries.

By Mr. BRYAN: A bill (H. R. 18313) to authorize the President of the United States to acquire, own, operate, and maintain an American merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. SELLS: A bill (H. R. 18314) to amend an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911; to the Committee on Agriculture.

By Mr. DOOLITTLE: A bill (H. R. 18315) for the purchase of a site and the erection thereon of a public building at Marion, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. DONOHUE: Resolution (H. Res. 588) to appoint a committee of Members of the House of Representatives to investigate whether there exists combination, understanding, or agreement between sellers, dealers, or packers of foodstuffs to advance prices of such necessities to consumers in the United States; to the Committee on Rules.

By Mr. KELLY of Pennsylvania: Resolution (H. Res. 589) requesting the Secretary of Commerce to furnish information as to the increase of prices in foodstuffs, said to be due to the war in Europe; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE: Resolution (H. Res. 590) requesting the Secretary of Agriculture and the Secretary of Commerce to forward information relating to the increase in cost of food supplies; to the Committee on Interstate and Foreign Commerce.

By Mr. FARR: Joint resolution (H. J. Res. 318) authorizing the Secretary of Commerce to investigate the cause or causes of advances in the price of foodstuffs; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 18316) for the relief of Henry H. Bagley; to the Committee on Military Affairs.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 18317) granting an increase of pension to Charles Stackhouse; to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 18318) granting an increase of pension to Lou Emma Newsom; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 18319) granting a pension to Helena Brandt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18320) granting an increase of pension to Stephen G. Garlock; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 18321) for the relief of the heirs of Lovick Lambeth, deceased; to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 18322) for the relief of Jennie D. Claybrooke, executrix of the estate of James R. Claybrooke, deceased; to the Committee on War Claims.

By Mr. KETTNER: A bill (H. R. 18323) granting a pension to William Henry Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18324) granting an increase of pension to John D. Sunderland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18325) for the relief of G. L. Harrison; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 18326) granting an increase of pension to Margaret Shinnars; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 18327) granting a pension to Carrie M. Eveleth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18328) granting an increase of pension to Winnifred T. Cavender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18329) granting an increase of pension to John C. Steele; to the Committee on Invalid Pensions.

By Mr. OGLESBY: A bill (H. R. 18330) granting an increase of pension to Helen R. Cantwell; to the Committee on Pensions.

By Mr. PROUTY: A bill (H. R. 18331) granting an increase of pension to William Howell; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 18332) granting an increase of pension to Mary A. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 18333) granting an increase of pension to Alice R. Jones; to the Committee on Pensions.

By Mr. STEPHENS of California: A bill (H. R. 18334) for the relief of Joseph Willett; to the Committee on Military Affairs.

By Mr. WINGO: A bill (H. R. 18335) granting an increase of pension to Sarah E. Howell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition signed by certain citizens of Connecticut, urging the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also, resolution of the Texas Cottonseed Crushers' Association, respecting the repeal of the present oleomargarine law, etc.; to the Committee on Ways and Means.

By Mr. BARTON: Petitions of citizens of Superior, Nebr., relative to adjustment of the polar contention; to the Committee on Naval Affairs.

By Mr. DALE: Petition of Central Federated Union, New York City, favoring passage of House bill 10735, to create bureau of labor safety in the Department of Labor; to the Committee on Labor.

By Mr. FINLEY: Petition of business men of Chester, S. C., favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, papers in support of bill granting relief to sufferers from hail storm in York and Cherokee Counties, S. C.; to the Committee on Appropriations.

Also, petition of business men of Fort Mill, Gaffney, Camden, Kershaw, Lancaster, Yorkville, Clover, Blacksburg, Winnsboro, Ridgeway, and Bethune, S. C., favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. GARNER: Resolutions of Texas Cottonseed Crushers' Association, for the repeal of the present Federal oleomargarine law and as to our foreign trade and as to the importation of Chinese cottonseed oil; to the Committee on Ways and Means.

By Mr. GILL: Petitions of W. H. Williams and others of St. Louis, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. GILMORE: Memorial of American Optical Association, favoring the passage of House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Pennsylvania: Memorial of American Optical Association, favoring the passage of House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. IGOE: Petition of Ballard-Messmore Grain Co. and Schreiner Grain Co., both of St. Louis, Mo., favoring the passage of the Pomerene bill of lading bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of George H. Bayne, of Paterson, N. J.; the Woman's Home Missionary Society of the Wilmington Conference of the Methodist Episcopal Church, of Middletown, Del.; and the Methodist Episcopal Church of Baltimore, Md., protesting against railroad freight yard across from Sibley Hospital in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. JACOWAY: Papers relative to bill for relief of Mrs. Emma Huckaby; to the Committee on War Claims.

By Mr. KENNEDY of Connecticut: Petition of executive board of the Manufacturers' Association of Bridgeport, Conn., opposing further extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of business men of Union, Nebr., favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. J. I. NOLAN: Resolutions of the American Optical Association, indorsing the Stevens standard-price bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

By Mr. OGLESBY: Petition of 120 citizens of Yonkers, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of C. P. Blackburn & Co., of Baltimore, Md., favoring passage of the Pomerene bill of lading bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Providence, R. I., favoring the Bristow-Mondell resolution enfranchising women; to the Committee on the Judiciary.

By Mr. PROUTY: Petition of citizens of Des Moines and Indianola, Iowa, asking for an adjustment of the polar contention; to the Committee on Naval Affairs.

By Mr. RAKER: Memorial of Seventeenth Annual Optometric Congress, at St. Louis, Mo., favoring the passage of House bill

13305, the standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Connecticut: Memorial of American Optical Association, favoring passage of House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Federated Union, New York City, favoring bureau of labor safety in the Department of Labor; to the Committee on Labor.

By Mr. J. M. C. SMITH: Petitions of four citizens of Kalamazoo, Mich., protesting against publication of Federal documents exploiting a single school of medicine; to the Committee on Education.

Also, petitions of four citizens of Albion, Mich., favoring appointment of a national motion-picture commission; to the Committee on Education.

Also, petitions of four citizens of Albion and one citizen of Battle Creek, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Petition of citizens of California, favoring national prohibition; to the Committee on Rules.

Also, petition of Shipowners' Association of the Pacific Coast, favoring legislation to permit foreign-built vessels to take out American registry to engage in foreign and coastwise trade; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Merchants' Association of San Diego, Cal., favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce, Imperial Valley, Cal., favoring improvements to Colorado River; to the Committee on Rivers and Harbors.

By Mr. THOMSON of Illinois: Petition of citizens of Chicago, Ill., protesting against the passage of the Sunday-observance bill; to the Committee on the District of Columbia.

Also, petition of citizens of Chicago, Ill., favoring passage of House bill 12928, retaining section 6; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of 154 citizens of Osceola, Iowa, asking consideration of the Poindexter resolution with regard to polar contentions of Dr. Frederick A. Cook; to the Committee on Naval Affairs.

SENATE.

WEDNESDAY, August 12, 1914.

(Legislative day of Tuesday, August 11, 1914.)

The Senate reassembled at 11 o'clock a. m. on the expiration of the recess.

PROPOSED ANTITRUST LEGISLATION.

Mr. CULBERSON. I ask that the unfinished business, House bill 15657, be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, which had been reported from the Committee on the Judiciary with amendments.

Mr. STONE. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	O'Gorman	Smoot
Brady	Hollis	Overman	Sterling
Brandeggee	Hughes	Page	Stone
Bryan	James	Perkins	Thomas
Burton	Johnson	Pittman	Thompson
Chamberlain	Jones	Poindexter	Thornton
Clark, Wyo.	Kern	Pomerene	Tillman
Clarke, Ark.	Lane	Saulsbury	Vardaman
Culbertson	McCumber	Shafroth	Walsh
Cummins	Martine, N. J.	Sheppard	West
Gallinger	Myers	Simmons	White
Gronna	Nelson	Smith, Ga.	

Mr. PAGE. I wish to announce the unavoidable absence of my colleague [Mr. DILLINGHAM] and to state that he is paired with the senior Senator from Maryland [Mr. SMITH].

Mr. CLARK of Wyoming. I desire to announce the unavoidable absence of my colleague [Mr. WARREN]. He is paired with the senior Senator from Florida [Mr. FLETCHER]. I will let this announcement stand for this legislative day.

Mr. MARTINE of New Jersey. I was requested to announce the absence of the Senator from West Virginia [Mr. CHILTON] on official business. He is paired with the Senator from New Mexico [Mr. FALL]. I ask that this announcement may stand for the day.

Mr. WHITE. I wish to announce the necessary absence of my colleague [Mr. BANKHEAD] and to state that he is paired. This announcement may continue for the day.

Mr. JONES. The junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent. He is paired with the junior Senator from Arkansas [Mr. ROBINSON]. I make this announcement for the day.

I also desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness.

Mr. JAMES. I wish to announce the unavoidable absence of my colleague [Mr. CAMDEN] and to state that he is paired. This announcement may stand for the day.

Mr. GALLINGER. I desire to announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH] because of a death in his family, and also the unavoidable absence of the junior Senator from Massachusetts [Mr. WEEKS].

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND] and also of the junior Senator from Wisconsin [Mr. STEPHENSON]. I will let this announcement stand for the day.

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators.

Mr. BRYAN. My colleague [Mr. FLETCHER] is unavoidably absent. He is paired with the junior Senator from Wyoming [Mr. WARREN].

Mr. SWANSON entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instruction of the Senate heretofore given and request the attendance of absent Senators.

Mr. WILLIAMS entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. CULBERSON. I ask unanimous consent that the formal reading of the bill may be dispensed with.

The VICE PRESIDENT. And that it be read for action on the committee amendments?

Mr. CULBERSON. And that it be read for action on the amendments of the committee first.

Mr. GALLINGER. It is not a very long bill, and I think it ought to be read. The Senate ought to know what is in it.

The VICE PRESIDENT. There is objection?

Mr. GALLINGER. I object.

The VICE PRESIDENT. The Secretary will read the bill.

EXECUTIVE SESSION.

Mr. STONE. Mr. President, I have conferred with the Senator from Texas [Mr. CULBERSON] in regard to the matter, and it is agreeable to him to have the Senate transact some executive business that ought to be done at once. It may not take very long. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 7 hours and 5 minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 18202) to provide for the admission of foreign-built ships to American registry for foreign trade, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALEXANDER, Mr. HARDY, Mr. UNDERWOOD, Mr. GREENE of Massachusetts, and Mr. MANN managers at the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1644) for the relief of May Stanley, and for other purposes.

The message further announced that the House had passed a bill (H. R. 17042) to amend the postal and civil-service laws, and for other purposes, in which it requested the concurrence of the Senate.

BILL INTRODUCED.

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 6260) granting an increase of pension to Lovina P. Nudd (with accompanying papers), to the Committee on Pensions.